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House of Representatives

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. BURTON of Indiana].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 7, 1995.

I hereby designate the Honorable DAN BURTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

REASONS WHY PRESIDENT CLINTON SHOULD NOT MEET WITH PRESIDENT YELTSIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Indiana [Mr. ROEMER] is recognized during morning business for 2 minutes.

Mr. ROEMER. Mr. Speaker, I rise this morning to encourage my colleagues to sign a bipartisan letter that I am circulating with the gentleman from Virginia [Mr. WOLF] today. We have already gained 20 other signatures, bipartisan signatures on this letter that would say to President Clinton and, in very strong terms, suggest that he not meet with President Yeltsin at the upcoming summit in May. We urge him not to do this for a number of reasons, because the United States has so much at stake in continuing to see Russian economic and political reform.

The first reason, Mr. Speaker, is that the Russian economic and political reform efforts are on very shaky ground. As the Russians now fight this war in Chechnya, they have diverted over $2 billion that should be going to stabilize the ruble, to support the economic efforts we have supported through loans through the IMF and other world banks totaling over $12 billion. These efforts are critical if the Russians are to work their way to a free market system and to continue to work toward a more open and democratic system in the new Russia.

Second, future issues are at stake, future issues that are important to the United States and a good, strong, healthy relationship with Russia. We need to be on good terms with Russia in terms of Bosnia and peace in that very unstable part of the world. We need to work with the Russians on START and other nonproliferation treaties, and we need to work with them on the future of NATO.

Third, we encourage the President not to meet with Mr. Yeltsin in May because of the human rights violations going on in this terrible war between Russia and the Chechnyan people.

I would encourage my colleagues to sign this letter. We are not saying that Mr. Christopher and Mr. Karazdzic cannot talk. We are saying symbolically the President should not at this point sit down with Mr. Yeltsin at this very precarious time as the Russians are fighting a very, very bad war in terms of diverting their resources away from economic and political reform.

75 SPECIFIC DISCRETIONARY CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, today I present my annual list of specific spending cut suggestions. I introduced these yesterday in the RECORD. Today I want to talk a little bit about them and elaborate on them.

These are 75 discretionary cuts which would save an estimated $275 billion, those are taxpayer dollars, over the next 5 years. That is just about double the amount of spending cuts the President has offered us in his most recent budget package.

These savings could be produced without touching a single nondiscretionary item. Let me put that into English for the rest of America. Nondiscretionary item would mean entitlement, and that translates into Social Security, Medicare and so forth, Medicaid. This list of budget cuts I am submitting does not touch Social Security, Medicare, Medicaid or any of those items that we call entitlements. It is only the discretionary items, the things that we control the purse strings on here in the House of Representatives, the power of the purse as it were.

It is imperative that before we ask Americans to sacrifice any of their earned benefits we demonstrate an ability to root out the hundreds of billions of dollars of wasteful spending in this Government. And that is not just rhetoric. That is something that the Grace Commission, the GAO, anybody who has looked at our spending here will tell you, that every year we have waste by the billions, by the tens of billions, by the hundreds of billions.

How in the world are we going to balance the budget and do all of these things we have promised if we have

that kind of waste at that level? The answer is we are not until we get at it, and the hard work of pinning down the specifics has got to start somewhere. That is why we submit our list of what could be cut.

Mr. Speaker, an administration official was quoted in Sunday's Washington Post as saying that ''While the deficit is not optimal, it is not out of control.'' Let me tell my colleagues, the national debt is $4½ trillion. The debt service on that is about $250 billion every year, every year, $250 billion, so that is a trillion every 4 years just in interest payments. Put simply, this empty rhetoric does not put, in my view, the administration in a very good light. I wonder what an optimal debt situation would be.

The White House has consistently ignored the tremendous waste and duplicative spending in the Federal budget and our Federal Government. We have seen that in the budget that they sent up. Instead of opting to try to reduce the deficit through tax hikes and on the backs of senior citizens, they should be looking at cuts, not raising taxes.

Mr. Speaker, the American people sent a powerful message to this Congress that was loud and clear, and it was cut spending, and do it now, get rid of the waste, the redundancy, the out of date, the off-target, the things we do not need anymore. The American people did not say trim a little here or trim a little there. The American people did not say move with caution and go slow. The American people told this Congress to look for any and all wasteful spending and get rid of it, take it out.

The Vice President complained yesterday that ''Republicans haven't put any cuts on the table.'' Well, they cannot say that anymore, because the cuts are out there for all to see, a list of 75 totaling $275 billion over the next 5 years. I stand before this Congress with most of the same cuts I introduced in the past two terms, and some of them which we have made some progress on, but most of them have gone untouched. So we are still able to come forward with a list of waste of 75 items.

I invite the administration to debate us on the specifics. Tell us why we need to be spending $140 million on grants to prepare youths and adults to be homemakers. Explain to the American people why when 99 percent of America's farmers have electricity and 98 percent have phones we need to be spending billions of dollars in assistance to rural electric and telephone utilities.

The American people deserve better. They need answers. They deserve full debate on these and other programs that serve narrow special interests rather than the collective good of our country and all taxpayers.

Mr. Speaker, we must strive to move beyond the rhetoric, to achieve the fundamental change that we talk about here with real action and with specifics. It is time to debate real spending cuts and real fiscal reform, and I am confident if we do we actually will have taken a very important step toward restoring fiscal responsibility and, perhaps even more than that, retaining, restoring some of the credit that this institution needs to build with the American people.

We have done the balanced budget program in the House. We have passed it. We have done that unfunded mandates program in the House. We have passed it. We did the line item veto. We did it yesterday, we passed it. We are going to be talking about and going to introduce a supermajority to raise taxes. Those are all critically important tools to get a handle on spending, to make sure we do the right thing.

But the proof will come. Do we have the courage, do we have the wisdom to pick out the things that are true waste and start chopping them? That is actually the easiest part of the job. If it is not doing much for very many Americans, then why are we spending a lot of money on it? Usually the answer is political. ''Well, it's in my district,'' or ''I hate to do something to that program to cut it.'' That is something we cannot be doing anymore. We cannot afford it, and it is not good expenditure of money.

Accountability time has come, and we welcome accountability time, and I welcome the American people to take a look at our list of 75 cuts.

COMMONSENSE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. SKELTON] is recognized during morning business for 5 minutes.

Mr. SKELTON. Mr. speaker, we are at a crossroads in American military preparedness. Since the Iron Curtain collapsed in 1989, the quantity and extent of U.S. military commitments abroad have stretched our forces thin. Today, there are signs of a serious weakening in troop training readiness. The Pentagon reports that key modernization programs have been interrupted to pay for current operations and an ailing base infrastructure.

We have reduced our military too far and too fast. If we continue, by the end of the decade we won't have the military power to shape a peaceful and prosperous world. Without security, peace, and free trade, all Americans lose.

The erosion in military preparedness disturbs many of our Nation's leaders. President Clinton recognized the shortfall in December when he added $2 billion to this year's defense budget. Several Members of Congress proposed staying at the fiscal year 1995 budget level, adjusted for inflation. That amount, about a $14 billion increase, would be a major step toward bolstering American military preparedness.

Some critics argue that defense increases are not needed because today's world is less dangerous. They fail to remember that in 1994 the United States came close to armed conflict three times. In June, we deployed additional forces toward Korea to halt the production of nuclear weapons. In September, we sent 22,000 troops to Haiti to restore democracy and stop the flow of refugees to our shores. Then, in October, we responded to Saddam Hussein's move to imperil the world's oil supply. These occurred during ongoing American military commitments in the Sinai, Rwanda, Macedonia, Cuba, Bosnia, Turkey, Panama, Okinawa, and Western Europe.

In 1993, the administration outlined our national security strategy in the Bottom-Up Review. It reasonably concluded America needed enough military forces to fight and win two major regional conflicts, nearly simultaneously. Our recent trials with North Korea, Haiti, and Iraq affirm this two-war strategy.

But our experience under the Bottom-Up Review, now approaching 2 years, suggests that we cannot take our force structure any lower. Indeed, modest increases are needed.

Events in 1994 revealed our military is on the verge of being over-committed. Our experience in the new security environment also teaches that the Bottom-Up Review incorrectly assumed we can withdraw troops from peacekeeping and humanitarian relief commitments to fight a major regional conflict. Disengagement inflicts high cost.

Some critics, observing defense officials juggle resources among competing demands, suggest we've sacrified modernization for readiness and quality of life. They've got it wrong. A serious imbalance does exist, but it's because all three are underfunded. Simply put, we are not adequately funding our strategy that ensures American security. The shortfall is not large, but it is big enough to create disturbing imbalances in our current military posture. We cannot allow troop morale, training readiness, and force modernizationo get out of balance. Common sense says we should eliminate this strategy-resource mismatch to restore our overall military preparedness.

My defense plan for fiscal years 1995–99 which I propose today, provides a $44 billion increase to add force structure; pay for peacekeeping obligations; and correct the imbalance in readiness, modernization, and quality of life. With this prudent investment, we can eliminate an over-committed force structure. We can meet out military commitments abroad. We can restore a high level of readiness. We can provide an adequate quality of life for our deserving service personnel. And we can continued to modernize our forces to be prepared for future threats. It is right and it is affordable.

The choice is clear—continued decline or prudent restoration of our military preparedness. Will the history books say that American service men and women who performed unselfishly

in our Armed Forces had the strong support of the Congress of the United States? Or, will the record show that the Congress chose to leave them unprepared for the difficult trials asked of them? Common sense says that a secure and prosperous America can afford adequate, fully trained, properly equipped, and highly prepared military forces.

HISTORIC CHANGE IN THE CONGRESS OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. WELDON] is recognized during morning business for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, this morning I rise to talk about what I feel is a historic change in the Congress of the United States.

When I was running for Congress last year and I received the Contract With America in the mail, I was very, very pleasantly surprised, because when I read through the contract I felt like I was reading my own campaign platform. For months I had been campaigning on how we need to reform the Congress itself and how the Congress does business, how we needed to shrink the size of Government, and how we needed to start in the Congress itself by reducing the number of committees and the number of committee staff.

One of the most important things that I ran on was how strongly I felt that the Congress needed to make all of the laws that they exempted themselves from apply to themselves. Indeed, I was very impressed when I read in the Federalist papers No. 37 written by Madison, how he described in that paper how the Congress should not be allowed to pass laws that did not apply to themselves and their friends.

Mr. Speaker, I am so delighted to actually be here and to see us fulfilling our commitment to the American people, how on that historic day on January 4 we passed all of those congressional reforms reducing the staff, reducing the number of committees, and then how we went on to pass legislation making all of the laws the Congress had exempted themselves from applying to the Congress itself.

Then in recent weeks we have seen historic vote after vote, the passage of a balanced budget amendment, the passage of legislation stopping the practice of passing unfunded mandates on to our cities and on to our counties. I heard over and over again in my campaign from local legislators, local politicians how the burden of unfunded mandates and regulations was killing them.

Then last night again we had another historic vote where a Republican Congress, with a sitting Democrat President, voted to give the President line-item veto authority. It was doubly ironic, it was sweet that this occurred on the birthday of President Ronald Reagan, a man who had campaigned over and over again for the need for a line-item veto for our President. He stated over and over again how there were dozens of Governors in our Nation, in our States who have line-item veto authority, and how they exercise that line-item veto authority prudently to pare back pork-barrel spending and to trim State deficits and help State governments to be more efficient.

Last night we had a historic bipartisan vote where we passed a line-item veto.

Mr. Speaker, we have many, many more important votes coming before this body, votes on some real criminal justice reform to lock up violent offenders, some real welfare reform. Mr. Speaker, I am excited and delighted to be here and be part of this historic Congress, restoring to the American people, their body, faith in Government again.

□ 0950

MINIMUM WAGE

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 4, 1995, the gentleman from Alabama [Mr. HILLIARD] is recognized during morning business for 2 minutes.

Mr. HILLIARD. Mr. Speaker, I rise in support of increasing the minimum wage. Lately I have heard a lot of rhetoric which is both misleading and dead wrong.

Just this Sunday I heard it stated that the only people who work minimum wage jobs are high school and college age kids. Mr. Speaker, this may be true in the wealthier suburban areas of this country, but I wish to tell you that in Appalachia or in the Mississippi Delta or in the Black belt of Alabama or in Watts, in Harlem, this is just not the case, and I wish to inform all of those persons who are misinformed that these are jobs that people work to live, and they are not living the American dream. They are having difficulties just living. They are having difficulties in many ways trying to find a decent place to live, because of the low wages that they receive. These are not people who are on welfare, but these are Americans. They are those who reject welfare. They are those who try to live within the system.

Yes, they have a hard time living the American dream, but these are good Americans. They work minimum wage jobs in many instances, because there are no other jobs available in the communities where they live. These are hard-working Americans.

Some of them have high school diplomas, and some who even went to college; many of them are too proud to take welfare, so they are stuck in these low-paying jobs.

Mr. Speaker, we talk a lot about welfare reform, and getting many of our citizens off of welfare. I believe we owe it to these working Americans, these young adults who work minimum wage jobs, the working mothers and fathers, the seniors trying to make ends meet. Yes, we owe it to them who are in the job market to raise the minimum wage.

This act may be the finest welfare reform bill which we vote on during this session of Congress.

THE PROPOSAL TO LIST THE ARKANSAS RIVER SHINER AS AN ENDANGERED SPECIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Oklahoma [Mr. LUCAS] is recognized during morning business for 5 minutes.

Mr. LUCAS. Mr. Speaker, I say to my colleagues if you are fishing in the Arkansas River Basin, you had better watch what you put on your hook. There is a mighty dangerous little bait fish lurking in the basin's waters when there is water in the basin.

This little bait fish might have the power to stop those in the agriculture industry from irrigating their land, or protecting their crops. This little bait fish might inhibit rural towns from utilizing their primary water sources. This little bait fish might even stop a major metropolitan area from completing its $250 million downtown restoration project which is crucial to its economic future. Yes my colleagues should know there is a dangerous little bait fish lurking in the river.

The Fish and Wildlife Service is considering whether to put the Arkansas River shiner on the endangered species list. As a new Member of Congress, I am truly underwhelmed by my first dealings with this segment of our Nation's Government. On September 15, 1994, I joined Congressman PAT ROBERTS of Kansas, and Congressman LARRY COMBEST of Texas in sending a letter to Ms. Mollie H. Beattie, the Director of the Fish and Wildlife Service, expressing our thoughts on the Arkansas River shiner proposal. To date, neither of my colleagues nor I have received a formal reply.

In our letter, we stated that we were concerned that the listing of the Arkansas River shiner could result in land- and water-use restrictions and other prohibitions that preclude full economic use of property, lower property values, and decimate the economies of the communities in the area. We further urged the Fish and Wildlife Service or an appropriate Government agency to conduct an assessment of the economic impact of any proposal to preserve this little bait fish.

In recent history, western Oklahoma, the Texas Panhandle, and western Kansas were the heart of the legendary Dust Bowl. One generation removed from today's watched as their top soil dried up and blew away. The fact that thriving economies have developed on this once barren land is a testament to the drive and fortitude of the people that live there and their ability to use

the resources available to them. The most important of these resources is water. All of us who live in the region will fight any attempts to turn back the clock of progress.

While I believe the Endangered Species Act is important, I believe as written it is flawed because of its lack of human compassion. Economic impact and private property rights must be taken into account in future draftings of the act.

Many of my colleagues know, there is a strong push in the early days of the 104th Congress to put a moratorium on any future endangered species listings until the act is reauthorized. I support this effort wholeheartedly and have cosponsored both the Farm, Ranch and Homestead Protection Act of 1995 by Mr. SMITH and the Endangered Species Moratorium Act by Mr. BONILLA. I would urge my colleagues to do the same.

Beware, there is probably a little minnow lurking somewhere in your district too.

INCREASE IN MINIMUM WAGE LONG OVERDUE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. HINCHEY] is recognized during morning business for 2 minutes.

Mr. HINCHEY. Mr. Speaker, I would like to commend the Clinton administration for taking action on behalf of working Americans today and raising the minimum wage.

The administration's action is long overdue and I hope this wage increase will help the working families of my district—and the Nation—to share in the economic recovery that we read so much about.

According to the Labor Department, the Employment Cost Index, which measures the wages, salaries and benefits paid to American workers, rose by only three-tenths of 1 percent during the past 12 months—the smallest annual increase on record.

This means that wages and benefits have failed to rise in response to economic growth and lower unemployment.

This is not a normal economic recovery in which wages rise as the economy picks up steam.

The Federal Government has few opportunities to improve the wages and benefits of America's labor force and subsequently improve the quality of life of working Americans. Adjusting the minimum wage is one method available.

Today, I applaud President Clinton for attempting to deal directly with the declining standard of living for working Americans.

An increase in the minimum wage is long overdue and I support President Clinton's effort to strengthen the economic outlook for working families.

THE CAN DO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, what we have seen in the past 30 days is a stark contrast between the can-do Congress and the me-too White House.

Let us just review a little bit about what this can-do Congress has done. By the way, the can-do Congress is something that is being said about our U.S. Congress in international reports. If you pick up the Herald Tribune in Europe or if you pick up any of the London papers, you find out there is tremendous celebration and rather a fair amount of amazement that the U.S. Congress can get so much legislation accomplished in so little time, in such a short time.

What exactly have we done? Well, first of all, we reformed the process. We required Members of Congress would actually have to be present at committee meetings to vote on the bills that are being marked up at those meetings. It means no more proxy voting. It requires our presence at those meetings. We cut staff by a third. We cut the budget for the Congress itself, and we have cut two standing committees, the first time since the 1940's, as well as 27 subcommittees.

So we have reformed this process to make it more efficient, more streamlined, more workable.

And we passed the Congressional Accountability Act. It seems like a very simple concept. We had not even been able to get it to the floor of the Congress for a vote before this session.

We passed the balanced budget amendment for the very first time. We voted on that many times on this floor. We actually passed it. We passed an unfunded mandates bill that requires analysis before we go putting mandates on the States. We have to know exactly what it is going to cost on a State or a local community.

And last night we passed a very important piece of legislation, the line-item veto. The line-item veto is something President Clinton asked for in the 1992 campaign. He did not talk about that very much in the 103d session of Congress, the last session of Congress.

I might go through a few of these things, too, that Mr. Clinton campaigned for in 1992. He campaigned for unfunded mandates reform both as a Presidential candidate and as the Governor of the State of Arkansas. He campaigned for reforming the process, and he campaigned for a middle-class tax cut, all of which are in our Contract With America, and yet last fall what did he do, he called this not a Contract With America but a contract on America. Now, he is back to being me too, but so that he will say, ''Well, me, too, we want to do this as well with some exceptions or some provisions or some considerations.''

What did he present to us yesterday? He presented to us his version of the 1996 budget for the United States of America for the Federal Government, and without overreacting to that budget, because in a way you have to remember, you have to remind yourself this is not that important an event since he does not have the votes in the Congress to pass the budget anyway, but let us look at what he did do and, in my view, what he did is he went through the motions. He is treading water. He produced a document that he has to produce because of a law that says that he has to send a document to the U.S. Congress.

But it essentially does not make any real changes. What it does do is it continues $200 billion deficits all the way through to the 21st century. What it does do is it adds in the next 5 years, it adds $1 trillion to the national debt. What it does do it makes the interest payments projected for the year 2000 to be $310 billion, when we spent $204 billion on interest in 1994, in other words, a 50-percent increase in interest payments alone in this budget.

And it is clear that there is no will for bringing us to a balanced budget. It is clear from testimony that the Director of the Office of Management and Budget, OMB, Alice Rivlin, gave several weeks ago to my Judiciary Subcommittee, that not only is there no plan for it, but there is no real desire to balance the budget in the White House.

What we have got is we have got a can-do Congress that is actually keeping the promises that it made to the American public. It is re-instilling a sense of confidence in the integrity of this institution. It is re-instilling a sense of confidence in the American people's own ability to elect officials who will do what they said they would do, that this is an institution which can accomplish things, which can get things done, instead of pretending to get things done all the while obfuscating and making every attempt to only create the appearance of activity when, in fact, the real issue is to keep things under wraps.

So here we have got the can-do Congress versus the me-too White House. Keep your eyes posted on what happens in the next month.

IN SUPPORT OF RAISING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, I am here to commend President Clinton for initiating the minimum wage increase, 45 cents for this next year and 45 cents for the next.

It is interesting to note that this morning in USA Today, America's newspaper, 77 percent of all Americans approve of this measure. We cannot

allow hard-working Americans to work full-time and not make enough money to pull themselves out of poverty. Eleven million Americans in this country rely on the minimum wage to support themselves and their families. Sixty-four percent of all minimum wage workers are adults with families to feed and rent payments to make.

Today the average minimum wage worker brings home about half of his or her household's weekly earnings. Let me tell you about a family who lives in Clovis, NM, who shared their monthly budget with me. They are a married couple with a 4-year-old son. They both work 40 hours a week at minimum wage jobs. They pay $450 a month for child care, $70 dollars for utilities, $435 for a two-bedroom apartment, $110 for a car payment, $45 for car insurance.

After fixed costs, they have just under $300 a month left to pay for gas, clothes, groceries, and health care. If their little boy gets an ear infection and goes to the doctor, they must feed their family on $35 a week. if their car break down, they feed and clothe their family on $20 a week.

This family is not alone. Just in my own congressional district, over 30,000 people get up and go to work every morning to earn a wage that, at the end of a full week, will not even bring them above the poverty level and the ranks of the working poor in our country are growing.

The economy is good. The unemployment rate is at its lowest level in years. The help wanted index is climbing. Yet some hard-working Americans are just not making it.

If left unchanged, by next year the minimum wage will be the lowest point in 40 years. If you are tired of seeing the welfare rolls grow, then let us make work pay. If someone cannot earn enough money working 40 hours a week to feed their family, then we are forcing them into the welfare office. We are telling them it is more profitable to collect than to work.

Do not be fooled by the argument that a modest increase in minimum wage eliminates jobs. Over a dozen recent economic studies have found that modest minimum wage has had an insignificant effect on unemployment levels and has boosted total worker income. Nine states currently have minimum wage levels higher than the Federal minimum wage, and in these States, increasing the minimum wage did not eliminate jobs.

A December Wall Street Journal poll found 75 percent of Americans support raising the minimum wage. To my colleagues, I say the message is clear, minimum wage earners can no longer make it on their salaries, 11 million Americans would get a pay raise if the minimum wage is increased to $5.15 an hour. A 90 cent per hour increase in the minimum wage means an additional $1,800 for a minimum wage earner who works full-time year around.

This is as much as the average American family spends on groceries over 9 months.

Five years ago this body voted to increase the minimum wage by a vote of 382 to 37. The large majority of Americans support it. It is time to raise the minimum wage.

ACCOMPLISHMENTS OF THE 104TH CONGRESS IN ITS FOURTH MONTH

(Mr. EHLERS asked and was given permission to address the House for 1 minute.)

Mr. EHLERS. Mr. Speaker, last month a very important event occurred. We passed a bill giving the President line-item veto authority. We hope this will also pass the Senate and be signed into law.

What is remarkable to me is the pace of what we have been doing in this Congress during the past month and the accomplishments we have made.

And those of you who know me well know I am not this sort of person who brags. In fact, I was born in Minnesota, just like Garrison Keillor, I am somewhat shy and humble. As Garrison Keillor does occasionally, I have to talk about what we do.

We are often criticized as being a do-nothing Congress. I would like to announce we now have a do-something Congress, and I have the figures to prove it, and in the words of the gentleman from Ohio [Mr. HOKE], who spoke a few moments ago, a can-do Congress.

If you look at what this Congress has accomplished in the first month compared to Congresses of the past dozen years, it is striking. The number of hours spent in session, the average for the past 12 years, 28, our Congress, 115, three times as much; number of votes on the House floor, 9.3 is the average of the past dozen years, this year 79, roughly eight times this many; number of committee and subcommittee sessions, average before, 25, this year 155, six times more; number of measures reported out of committee, the average, 1.6, this year, 14, about nine times more.

This Congress is not in the process of reinventing Government, to use that term that is often used. We have a new way of governing. We are getting things done. Not only have we passed a number of important measures such as the balanced budget amendment which Congresses have tried to pass for 40 years or the line-item veto which has been discussed for many years, we have also passed unfunded mandates reform which the States desperately want. We passed the Congressional Accountability Act which applies many of the work place laws to Congress itself. Previous Congresses have exempted themselves.

I think what is even more striking are the internal reforms that we have accomplished, many of which were done the first day of Congress. We have eliminated proxy voting which I felt was an abominable practice. We have cut committee staff by one-third. We have reduced the number of committees and subcommittees.

And I wish all the people in this land could walk through the basement corridors of the Cannon Building and some of the other buildings and see the dozens and dozens of desks lining the walls in the corridor, the hundreds and hundreds of file cabinets that are there and will be auctioned off because they are no longer needed. The staff that used those desks and those file cabinets are no longer here. Congress truly has cut back, and I hope that trend continues.

I think we have to have many cuts in the budget of this Nation, but we have to start with ourselves first, and we have done that.

We have open committee hearings to the public, and we have made dozens of other changes in reforming the way Congress operates, even on such mundane matters as parking. It was discovered that some lobbyists had been given parking privileges in the parking garages here in our buildings, and that has been stopped. Providing parking for partisan political organizations has been stopped.

What I want all of us to recognize and to appreciate and in fact celebrate, is that we are governing in a different way, and the people of this Nation have responded.

Last year the favorable rating of Congress was about 14 percent. It is now almost 50 percent. We have really made progress in changing things, and the public is responding and saying, ''Go on. That is what we like. Keep it up.''

Now, I do want to warn the people of this Nation that these cuts we imposed on ourselves, as I said a moment ago, are a precursor of what we will be doing to the entire budget, and no one likes to have their part of the budget cut, but everyone is going to have to share the pain, because the people of this Nation have said, ''Enough, we want our budget balanced. We want our taxes to be reasonable. We want our country to go forward and operate the way we have to operate our families and stay within our income.''

This Congress has pledged to do that.

INTRODUCTION OF LEGISLATION CONCERNING MEXICAN RESCUE PACKAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Ohio [Ms. KAPTUR] is recognized during morning business for 3 minutes.

Ms. KAPTUR. Mr. Speaker, in order for Congress to begin to fulfill our duty under our Constitution regarding the Mexican rescue package, my colleagues and I have introduced a privileged resolution, House Resolution 57. This resolution will be brought up today under special parliamentary procedure after the 1-minute session and the Journal vote this morning.

Our resolution does two things: It reasserts Congress constitutional authority in regard to the purse strings of this Nation, and it also asks the Comptroller General of the United States to report back to the Congress within 7 days on how our tax dollars are being used.

Four men in this Congress and one in the White House do not a republic make. Our bipartisan resolution speaks on behalf of the vast majority of American taxpayers who have clearly said to us that they do not want their money put at risk to ensure a foreign nation nor its creditors.

We were told NAFTA would not result in a great sucking sound. Well, it has not only resulted in a sucking sound of jobs, but now also our taxpayer dollars. To the unilateral actions of the administration in concert with four men here in the Congress, the American people have been denied their just voice on such a consequential matter.

Our Government is not a monarchy. It is not a parliament. We are not here to approve what the Executive does. This legislative branch has equal powers in the law.

Let me read you two sections of the U.S. Constitution which pertain to the powers of Congress in this regard; under article I, section 9, the Constitution states, ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.'' And under article I, section 8, the Constitution states, ''Congress has the power,'' and I underline Congress, ''to pay the debts and provide for the general welfare of the United States, to borrow money on the credit of the United States, to regulate commerce with foreign nations, and to coin money, regulate the value thereof, and of foreign coin.''

As is evident in this reading, the administration's recent decision to extend United States taxpayer funds to the Mexican Government and its Wall Street creditors without a vote of Congress is a direct violation of the spirit and letter of our United States Constitution. Where in the Constitution does it say that the executive branch has the sole power to create new money and use that money to fund a multibillion-dollar back door foreign aid program for Mexico without the approval of this Congress? Where in the Constitution does it give the executive power to make U.S. taxpayers liable for the mistakes and machinations of a foreign government and its rich U.S. speculators from the United States who went south in search of quick profits?

Today vote for House Resolution 57. Reassert Congress' proper duty and obligation.

□ 1015

PRESIDENT'S BUDGET DOA, DEVOID OF ACCOUNTABILITY

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. HORN] is recognized during morning business for 3 minutes.

Mr. HORN. Mr. Speaker, when Democrats controlled this Chamber and Republicans were in the White House, the budgets submitted by Republican Presidents were always considered DOA, dead on arrival.

Well, we Republicans who are now in the majority will not follow that tradition. We will take a good, hard look at what the President proposes, and where we find common ground, we will work with him. But it is clear that the President's budget is not nearly as aggressive as it should be in reducing the size and the power of the Federal Government.

The few cuts that are there are halfhearted, and spending is still going up too rapidly. In fact, this budget calls for a $50 billion increase in spending from the current budget.

So much for leadership. The Wall Street Journal reported that the budget ''makes little further progress in reducing the deficit.'' So much for leadership.

The paper reports that the President's game plan is to let Republicans make the hard decisions. This is not Presidential leadership; it is Presidential abdication.

You know, come to think of it, maybe the President's budget is DOA. But that is not dead on arrival, that is devoid of accountability.

THE $50,000 TAX DEDUCTIBLE DINNERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I come to the well to speak about something that troubles me a lot. I spent 3 years of my life, and I must say they were miserable years, studying the Tax Code when I was in law school. And the one thing that was very clear in our Tax Code was you did not get a charitable deduction for political donations. If you gave to charity, fine, you got a charitable deduction. But if you gave to politics, you did not get one.

I think most of us as Americans think that that is the way it should be. But we are in interesting times, very interesting times. We have a new Speaker who has found ways to stretch these things, and tonight we have a very interesting occasion going on, showing how these bright lines are being blurred more and more.

If you saw the Chicago Tribune today, they are mentioning the Speaker's dinner tonight, which will cost $50,000 a plate—$50,000 a plate. But unlike a normal political contribution, $19,800 will be tax deductible.

Now, what is this dinner about and how do you get the tax deduction? Well, you get the tax deduction because they are saying it goes to a nonprofit organization. But that organization happens to be the Speaker's television network called National Empowerment Television. And what is it? It does not even pretend to have balance. It does not even pretend to present both sides. It presents NEWT's views 24 hours a day. I do not think NEWT's views qualifies as news all the time, and I do not think that is what the Tax Code was meant to back.

So you see, now really an indirect taxpayer subsidy is going to this television thing that is absolutely nothing but broadcasts of whatever they want to put on. That looks terribly political, and I think is terribly political.

At the very same time you see them taking on public television, which is a different kind of direct subsidy which does attempt to be balanced and does let everybody on.

Now, is it not interesting? While you hear they don't want taxpayer subsidies of that, they are perfectly willing to craft these dinners that only let in people from a certain strata of society. Believe me, to pay $50,000 for a dinner you have got to come from a lot wealthier background than I do in my district. You get a House for $50,000. Nobody would ever think of paying $50,000 for a dinner.

Also think about if you are an average tipper like I am and you did a 20-percent tip. A tip on that $50,000 dinner would equal what the average minimum wage earner earns in a year. Just think, one tip on one dinner, one night, equals what a minimum wage earner makes for a year.

I mean, what is going on here? This is one of the things that many of us on this side are very troubled about. I was pleased to see that Time magazine is also getting troubled about it. Time magazine has an excellent article this week called ''Newt, Inc.'' I hope everybody reads it, because it lays out many of the interesting ways the Speaker has been able to spread his tentacles out to control all these different ways of access to public information, shut off those who are not with him, find novel ways for people to be able to deduct it, and really march forward.

That does not look like the democracy I knew. The democracy I knew was one where everybody had an equal weighted voice and everybody's vote counted equally. I just do not see why we should be doing taxpayer subsidies of this type of occasion, and I do not see how in the world you can ever pretend that everybody's voice is going to be weighted equally, if you cannot get access to the TV stations that the taxpayers indirectly subsidize, nor can you buy the ticket to the dinner which

the taxpayers are indirectly subsidizing.

So I think we have to pose some very serious questions to the Internal Revenue Service, and we have to look at all these different stretchings of the law. There is absolutely no question what the spirit of the law is. I think that we should not be stretching the spirit, but instead we should be upholding the spirit of the law in this body.

INCREASE THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas [Mr. GENE GREEN] is recognized during morning business for 3 minutes.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the minimum wage was increased 4 years ago. However, the purchasing power of that same $4.25 has declined 40 percent due to inflation. A recent study shows that in 1968 the minimum wage had a purchasing power in 1995 dollars of $6.49. There are arguments on both sides of this issue but allowing working Americans to work for a living wage is the best method to reform welfare.

If a worker puts in 40 hours a week, 52 weeks a year, their gross wage is just over $8,800. For an average family in the 29th Congressional District of Texas which I represent they will be over $3,500 below the poverty line. Add the maximum earned income tax credit and that family will be $400 under the poverty line and eligible for welfare under many programs.

However, this same family, with a minimum wage increase to $5.15 and their maximum earned income tax credit, will now be above the poverty level and will no longer have to be on welfare. If the Members on the other side wish to save on welfare, and wish people to work, increase the minimum wage so full-time workers will not be eligible for welfare.

The myth that the minimum wage is only paid to teenagers does not fit with the fact that over half of the minimum wage earners are 26 or older. Congress must act and allow working Americans to earn a living wage.

My Republican colleagues talk about ''me-too-ism'' from the White House on Republican proposals. My Republican colleagues should develop me-too-ism on reducing welfare by paying an increase in the minimum wage—me-too-ism is bipartisanship working. Let us see it work for working Americans.

GIVE WORKING AMERICANS A BREAK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. BONIOR] is recognized during morning business for 2 minutes.

Mr. BONIOR. Mr. Speaker, let me see if I get this straight: First the Republicans said we cannot raise the minimum wage because it would cost jobs. Well, that argument did not fly. We know that from the studies that have been done recently between New Jersey and Pennsylvania and New York, where those establishments along the border that did raise the minimum wage actually found increased employment. That argument did not fly.

So next the Speaker said we cannot raise the minimum wage because of the crisis in Mexico, as if 58 cents an hour should be our benchmark. That our wages in this country should be tagged to those in Mexico. That did not fly.

So now the Senate majority leader says that the only way we can raise the minimum wage is if we cut taxes on the wealthy investors first. The Republicans say that the only way we can help people who earn $9,000 a year is by cutting taxes on those who make $9,000 a day.

Mr. Speaker, give me a break. If the Republicans want to help their wealthy friends, fine. But we are not going to let you do it on the backs of working families in this country. It is time we give working Americans a break, not just the wealthiest in our society.

I urge my colleagues to support the minimum wage, which is a just, living wage, which will move people to work, off welfare, and give them the wherewithal and the sustenance and a living wage to care for their families and to move up into the middle class, where they can hopefully enjoy a better future for themselves and their family.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, in this moment of stillness, before the work of this day begins, we first acknowledge our daily dependency upon Your grace and Your care.

We seek guidance when we could so easily be led of the course of justice for all,

We ask for wisdom when our decisions could so quickly be driven by selfish desires,

We plead for mercy when our petty jealousies have caused a wedge to be driven between ourselves and others,

And, we pray for courage when, with feeble heart, we might easily give in to goals that are less than the best for our neighbors.

Oh God, in these words and for these moments, let us all be reminded again of Your presence with us and our responsibility to You,

And may our words and actions this day serve more Your majestic will and purpose, than our fleeting wants and wishes. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. GUTIERREZ] lead the House in the Pledge of Allegiance?

Mr. GUTIERREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We did all this on the first day.

It goes on to state that in the first 100 days, we will vote on the following items:

A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this.

Yet to be accomplished:

A new crime bill to stop violent criminals; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits;

and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

PROPOSED SPECIAL FEES ON CARS AND PEDESTRIANS CROSSING UNITED STATES BORDERS

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I can think of no proposal more objectionable to the people of western New York, no proposal more potentially harmful to the economy of western New York than the administration's budget proposal to initiate a $3 special fee on any vehicle entering the United States from Canada or Mexico, and $1.50 on any pedestrian coming into the United States.

Mr. Speaker, the whole purpose of the free-trade agreement between the United States and Canada was to facilitate the flow of people and products.

This runs contrary to that concept. The whole purpose of the free-trade agreement between the United States and Canada was to reduce and then eliminate all tariffs on products coming back and forth between our countries.

Now, the administration wants to impose a fee on people and their cars.

This cannot stand.

MY MISSION

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, 40 years ago, in College Station, TX—PHIL GRAMM country—I pinned on Air Force wings of silver. Forty years is a long time. When my dad was in his eighties, he said, ''Son, your whole life will seem like 3 weeks when you get to my age.''

I have reflected back over my life, and as awed and as humbled as I was by being elected to this great deliberative body in the bicentennial year, it was not the greatest event of my life. Those events are marriage, 5 children, 9 grandchildren. I proposed to my wife 40 years ago tomorrow night, after driving all night to get to California.

But the greatest event in my public life was these wings. Imagine serving with men, every one of them like JOHN GLENN, JOHN MCCAIN, PETE PETERSON, ''DUKE'' CUNNINGHAM, our own ''Gary Cooper,'' SAM JOHNSON. I owe it to those men to go into the melee next week and explore things in Iowa and New Hampshire and at least South Carolina. Only God knows the outcome. But I am ready for what may be the toughest mission of my life. I do not know how far I will go, but I am going to give it a try.

A HIGHER MINIMUM WAGE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I know that to many Members of Congress, another 90 cents is nothing more than pocket change.

But to Americans making minimum wage it is not pocket change—it is real change.

A change from worrying about paying the rent, or food, or buying new shoes for their kids.

A change to a life with some economic security.

It amazes me that our opponents say ''yes'' to a book deal that is worth more than four and a quarter million, but ''no'' to anything over four and a quarter an hour for the people who will print, pack, ship, and sell that very book.

Well, I want to speak to everyone earning $4.25 today. If your wage is not $5.15 an hour when that book hits the shelves, I say, ''don't buy it.'' Because I think our Speaker should read a book about the hopes and dreams of America's working families rather than the other way around.

So I say to our opponents—you defend your millions and we Democrats will defend ours. Your millions, of course, are the millions of dollars earned on a book, and our millions are the millions of Americans trying to earn a decent livable wage.

OLD SOLUTIONS TO NEW PROBLEMS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, as Republicans worked to pass an unfunded mandate reform bill last week, President Clinton worked to pass another unfunded mandate on our private sector.

Maybe I missed something, but I thought the election of last November was about change. So far this year, the only thing the Democrats have wanted to change is the subject.

From the balanced budget amendment to the line-item veto, the liberal Democrats have consistently supported the status quo. With the President's minimum wage proposal, they have reached back again to the past for an issue they hope will help them in the polls.

But the American people are no longer satisfied with old solutions to new problems. They do not want bigger government and bigger mandates. They want a more effective and more efficient federal Government.

I challenge the President to join Republicans in changing the way Government works. Let us work together to ease the regulatory burden on our small business. We worked together to pass a line-item veto. Mr. Speaker, I urge the President to stop changing the subject and work with Republicans in changing the Government.

□ 1110

NAFTA, 1 YEAR LATER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, NAFTA, 1 year later. Thirty-six thousand Americans have filed claims with the Labor Department. They lost their jobs due to NAFTA. That is right, and the list goes on. Woolrich up in Pennsylvania and Colorado, they laid off 450 workers, moved to Mexico, hired workers at $1 an hour. You have Magnatech in Indiana and Michigan. They moved to Mexico.

Tell me, Congress, how can American workers survive when American companies can move to Mexico, hire people at $1 an hour, have no IRS or EPA or OSHA to pay them a visit? Is it any wonder the American worker is fed up with Congress? A Congress that will take care of Russia, but forget about Rhode Island? A Congress that will take care of Kuwait, but forget about Kentucky? A Congress that will worry about Mexico and forget about Mississippi and Massachusetts?

Is it any wonder, Congress? Think about the American worker for a change.

THE PRESIDENT'S BUDGET

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the President's budget is a microcosm of his entire administration: too little, too late.

Sure, he has some spending cuts. But those cuts are not enough to satisfy the American people, or get the job done.

He may have sprinkled in a few tax cuts, but they are far too late for the middle class.

Mr. Speaker, the President's budget may not be dead on arrival, but it is on a respirator.

Republicans will take up many of the President's cuts, while adding billions more. And we will look carefully at his other proposals. But clearly, the President has not gotten the message of the last election.

We need a fundamental change in the Federal Government, not just tinkering around the edges.

With his budget, the President has offered only a modified status quo. For many of us that simply is not good enough.

THE $50,000 TAX DEDUCTIBLE DINNER

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, the American people have a right to know—just who is coming to dinner tonight?

And what will they be getting in return for their $50,000 tax deductible contribution to Empowerment TV?

This is the same tax exempt TV network that carries Speaker GINGRICH's college course.

The same tax deductible course that is the core of the Speaker's soon-to-be-very-profitable book deal.

Mr. Speaker, these interlocking networks of special interests—multimillion dollar think tanks and political action committees, many of them subsidized at taxpayer expense for personal or partisan political gain—is casting a long ethnical cloud over this House.

Is it any wonder that Public Citizen, Common Cause, and others have joined the chorus calling for an independent, nonpartisan investigation into the ethical charges surrounding the Speaker?

It is time for an outside counsel to untangle this web.

THE PRESIDENT'S BUDGET

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, it is my hope that the more we delve into President Clinton's budget, the more we will find in it that we like and can support. As we heard already this morning, this budget will not be dead on arrival.

If the President has some good ideas that we can support while being consistent with our goal of smaller, less costly government, we will gladly incorporate some of his ideas into the budget.

But I have to say, Mr. Speaker, that upon initial examination the President's budget proposal is not very bold. In fact, it merely treads water.

Mr. Clinton constantly reminds us that he is the first President in memory to cut the deficit 3 years in a row. Well, that is a start, but it is not an end in itself. Under the President's own projections, the budget begins its upward path again next year.

We Republicans are committed to balancing the budget by the year 2002. If the President wants to help us, fine. But if he wants to remain wedded to the politics of the past, then we will act alone. However, one way or the other, rest assured, we will get the job done.

A $50,000 A PLATE FUNDRAISER

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, tonight National Empowerment Television, the taxpayer-subsidized station which broadcasts Speaker GINGRICH's college course, is holding a $50,000 a plate fundraiser. But it is the Speaker, not the filet mignon, that is the main course.

This lavish dinner speaks volumes about who Republicans represent. They are dining with the elite, at the same time Republicans are opposing a minimum wage increase for American workers. A full-time minimum wage worker would have to work 5¾ years to buy a seat at Mr. GINGRICH's table tonight.

Those lucky enough to have a spare fifty grand to buy a ticket for tonight's fundraiser will be rewarded with a nifty $19,800 tax break. You see, National Empowerment Television operates as a nonprofit, even though it is the only TV station devoted solely to a particular political ideology. Like tonight's dinner, this is another example of the commingling of politics and special interests that has led to the calls for an outside counsel to look into and investigate Mr. GINGRICH's political and financial dealings.

RESTORE THE RULE OF LAW TO SOCIETY

(Mr. MARTINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss a topic that this body will soon debate: crime reform.

Crime in this country has reached epidemic proportions. It is time we as a body get serious about restoring the rule of law to our society.

Alexander Bickel of Yale University once said:

> No society will long remain open and attached to peaceable politics and the decent and controlled use of public force if fear for personal safety is the ordinary experience for large numbers.

Yet sadly, today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives.

It is apparent that the debate over these crime bills embroils us in more than simply an exchange of competing partisan ideas.

The coming debates will engage us in a struggle that affects the very core and future of American society.

As the discussions begin, I urge my colleagues to take swift and strong action on behalf of the well-being and safety of a nation's people.

APPOINTMENT OF OUTSIDE COUNSEL NEEDED

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the clouds of scandal once again are gathering above the House of Representatives. The Wall Street Journal has been running daily accounts of the special favors that the contributors of GOPAC and the contributors to the Progress and Freedom Foundation that are controlled by the Speaker have sought and received.

According to the Wall Street Journal, 10 percent of the contributors to the Progress and Freedom Foundation are makers of drugs and medical devices, whom we now learn are the same people who have sought special legislation and are now seeking to gut the Food and Drug Administration. What we as Members of the House are witnessing is very strong suggestion that the House of Representatives is somehow for sale.

This cannot be allowed to stand. We as Members deserve better, and the people of this Nation deserve better. It is imperative that the House Committee on Ethics and its chair, the gentlewoman from Connecticut, NANCY JOHNSON, move to appoint outside counsel. Given the ramifications of these stories and the fact that GOPAC and the Progress and Freedom Foundation are controlled by the Speaker, the committee has no other choice. It owes it to the people of this Nation to do so, and I urge my colleagues to call upon the gentlewoman from Connecticut [Mrs. JOHNSON] to appoint outside counsel.

ANOTHER CONTRACT WITH AMERICA ITEM PASSES HOUSE

(Mr. KINGSTON asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, imagine going to the grocery store to buy your daily fruit, vegetables, and meat, and when you go through the counter the clerk reaches over and sticks some caviar in your grocery cart. And you say, ''I don't want any caviar.'' And he says, ''Tough, you want your meat and potatoes; you have to buy my caviar. And if get too sensitive, I am going to throw in some Twinkies.''

Well, that is what the Congress has been doing to the American people and their President for too many years. But as of yesterday, with the passing of the line-item veto, we, the American people, can have our President stop it.

Item three on the Contract With America has now passed the House. Call your Senator, ask him or her to support the line-item veto, and then we can have that lean, green, grocery shopping machine that we all want. Cut out the fat, Mr. Speaker.

FUNDRAISING FOR NATIONAL EMPOWERMENT TELEVISION

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, tonight the Speaker of the House is the special host of a dinner to benefit National Empowerment Television, a radical right-wing TV station devoted solely to espouse reactionary views over the airways 24 hours a day. It is appalling that there is a TV station designed not to be objective, but to brainwash, and to boot it is tax deductible.

Just as appalling is the price tag for the dinner, $50,000 a plate.

What do you they serve at a $50,000-a-plate dinner? First is access, a chance to rub elbows with the Speaker; second, and just as outrageous, a huge taxpayer subsidy. That is right. Unlike meals most working Americans eat, this one comes with a special $19,800 tax break. About a dozen people are attending the dinner, for a total tax break of $237,600, enough money for 21,000 meals-on-wheels for the elderly.

□ 1120

By the way, if you are working for the minimum wage, it will take you 5 years, 45 weeks, 4 days, 2 hours and 33 minutes to pay for this one dinner. I guess that dinner will be served in the year 2000 on December 22. The fundraiser is wrong. The price tag is way out of line. The TV station is bizarre and the taxpayer subsidy is a disgrace.

MINIMUM WAGE

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, in his State of the Union Address, President Clinton made the point that a Member of Congress earns more in a month that a minimum-wage worker earns in a year. Well, perhaps a more interesting statistic is the Federal Government spends more in less than 4 days than all the 3.5 million minimum-wage earners make in a full year. Yet in his new budget, the President proposes that we spend $50 billion more next year than this year, $50 billion we do not have.

While the President has taken some small, positive steps, it is clear he is not up to making the tough decisions on the budget. So we in Congress, yesterday, voted to give the President a new tool, the line-item veto. We would like to have the President as a partner, but we are prepared to go it alone in balancing the budget.

We are going to improve the lot of minimum-wage earners and middle-income Americans and the best way to do it is to get the Federal budget under control and grow the economy.

Our Contract With America will do precisely that by lowering taxes, reducing Federal regulation and Government spending and increasing incentives for work and investment. The results will be a balanced budget by the year 2002, the sooner, the better.

SPECIAL INTERESTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, to anyone who is wondering why Public Citizen, Common Cause, and almost every other good Government group I know and many others are calling for outside counsel to investigate the growing array of special interest connections that are alleged to be gathering at the Speaker's doorstep, watch tonight. Because tonight lifestyles of the rich and famous come to Washington.

Yes, for $50,000 you can get a dinner. Well, the steak better be good. Yes, you can get a dinner, but you can also get access. And that dinner can be publicly subsidized because you as a taxpayer are going to pay $19,800 for that dinner. So if you are outraged by that dinner, think about it. Especially on the very same day the Speaker is quoted in the Washington Post as saying public high school is nothing but publicly subsidized dating.

Please, what is wrong? Let us get on with an outside counsel and get this cleared up.

THE CRIME BILL

(Mr. WHITE asked and was given permission to address the House for 1 minute.)

Mr. WHITE. Mr. Speaker, I have looked forward to this moment for a long time. These are my first remarks on the floor of the House.

I have waited for this moment for an important reason. The crime bill that we are about to consider this week is one of the most important things that this Congress will do in the entire 2 years we are here.

I have said many times that the crime bill that passed last year was not an example of everything that is wrong with Congress. It was directed at an important national problem, but it did not solve that problem. It spread social spending out in every congressional district, a little bit of pork for every Congressman. It was the worst tradition of politics as usual.

This year we are going to be different. This year's bill focuses on what the Federal Government can do to solve the crime problem, including building more prisons, changing some of our procedural rules, and sending the responsibility back to the local governments to decide what to do.

Mr. Speaker, I am proud to be here. I am proud of this Congress. And I look forward to dealing with this crime bill over the next week.

THE MINIMUM WAGE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, the distance between low- and high-income families is growing. We must act now to close that gap. If we do not act, the cost of basic necessities—housing, food, and clothing—may be unaffordable for these families. Those costs are rising. Earnings for low-income families are falling. An increase in the minimum wage, as proposed by the President, will help to close the gap. With no minimum wage increase, those with little money end up with less money.

An increase in the minimum wage will not provide plenty, but it can raise working families out of poverty. In 1993, high-income families averaged $104,616 in earnings. Low-income families averaged $12,964. Between 1980 and 1992, income for the top 20 percent in America increased by 16 percent while income for the bottom 20 percent decreased by 7 percent. An increase in the minimum wage will help low-income families, but it will not hurt high-income families. The growing income gap hurts the economy. The best welfare reform is minimum wage reform. Low-income workers are helped. The economy is helped. No one is hurt. If we want to help people, we should help them and not hurt them.

PUT TEETH BACK IN THE CRIME BILL

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, when the Democrats passed their soft-on-crime bill last year, we were assured that it would be tough on criminals and attack crime's root causes. But once the American people learned what it was—dance classes and midnight basketball, what they called hugs for thugs—they issued a very different verdict at the polls. They said the Democrat crime bill was guilty of being pollyannaish, that it coddled criminals instead of incarcerating them, and they said, ''We want our streets back. We want the criminal justice system to act as a deterrent. We believe that you have got to catch, convict, and confine. That is what criminal justice is all about.''

When we take up the crime bill today, we are going to put some real teeth back into it and give our police and prosecutors the tools that they need to do their job effectively. We are going to stop frivolous appeals. We are going to end the practice of letting criminals off on technicalities and build more prisons to keep them off the streets.

Our Constitution demands that we ensure domestic tranquility, a duty that we have been failing at recently. That changes, starting today.

SUPPORT OUR AFFIRMATIVE ACTION LAWS

(Mr. STOKES asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I rise to express my strong support for the affirmative action laws of the United States. Within the last two decades, affirmative action has been the primary tool that has allowed minority and women workers to break through the many barriers of employment discrimination.

Despite the steps our Nation has taken to move forward in the area of affirmative action, we are now faced with a new onslaught on civil rights, as evidenced by the recent statements of a Republican Senate leader. In a Washington Post article published yesterday, this Republican Senate leader is quoted as asserting that affirmative action has caused some Americans to ''Have to pay'' for discrimination practiced ''before they were born.'' A congressional leader who opposes affirmative action should realize that jobs do not belong specifically to one race of people. Black Americans born in this country, also have a contract with America. That contract, by virtue of birth, is rooted in both the Constitution and the Declaration of Independence.

The truth of affirmative action programs is that they do not grant preferential treatment to selected Americans, but provide for a means of equal opportunity employment for all members of our society.

BIPARTISAN COOPERATION HELPS IN KEEPING PROMISES TO THE AMERICAN PEOPLE

(Ms. PRYCE asked and was given permission to address the House for 1 minute.)

Ms. PRYCE. Mr. Speaker, a few weeks ago in an historic and symbolic gesture the esteemed minority leader from Missouri passed the gavel onto the first Republican Speaker in 40 years announcing: ''Let the great debate begin.''

But a great debate there was not. For it seemed that when the Republicans wanted to change the way Congress works, the Democrats wanted to change the subject. When Republicans wanted to make Government leaner and less intrusive, Democrats seemed intent to use scare tactics and delaying maneuvers.

But Mr. Speaker, this past week or two were different and for the third time in about the same period, the American people won. Casting politics aside and placing the American people first, we together have now passed a balanced budget amendment, unfunded mandate reform, and a line-item veto.

Mr. Speaker, we are now on a roll. There is a renewed spirit of reform and fiscal restraint in this great body of the people. I look forward to even more bipartisan cooperation in our goal to keep our promises to the American people.

□ 1130

URGING CONGRESS TO PASS THE MODEST INCREASE IN THE MINIMUM WAGE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, our Republican friends support a tax cut for wealthy Americans earning more than $200,000 a year, but they will not support a raise in the minimum wage for people who want to work and not collect welfare.

If we truly want to move people off public assistance, we must make work more attractive than welfare. We ought not be deceived by those who say the minimum wage is only being paid to teenagers from well-off families. Two-thirds of minimum wage workers are adults over the age of 21, many of whom bring home at least half their family's income.

Let us look at the choices faced by a single mother living at the poverty level. If she goes on welfare, she can get comprehensive health care and a monthly check from the government. If she goes to work at a minimum wage job, she earns only $8,500 a year, and her family loses her health coverage. She must find a way to care for her children while she is at work. That is not much of a choice. Mark my words, Mr. Speaker, tossing people off welfare will not make these dilemmas magically disappear.

The minimum wage is an important piece of the effort to raise the living standards for all Americans. We started on the right path last year when we voted to expand the earned income tax credit. Let us raise the minimum wage.

COMPENSATION FOR VICTIMS OF CRIME SHOULD BE A BIPARTISAN CONCERN

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, today this House will begin debate on the Victim's Restitution Act of 1995.

While there may be honest points of disagreement in subsequent consideration of habeas corpus reform, restrictions on the exclusionary rule and the death penalty, there should be no difficulty in recognizing the absolute need within our justice system to compensate victims of crime for the horrors visited upon them by those who cannot abide by society's rules.

In my tenure as a county prosecutor, the most commonly heard complaint by victims of crime was that their voices and their rights were the only absent parties from the criminal justice equation.

The people are represented by the D.A.; the defendant had his high-priced or taxpayer-supported mouthpiece—but the victim, like the cheese in the children's rhyme ''The Farmer in the Dell''—stands alone.

And although financial recompense cannot replace the loss of personal security one suffers at the hands of the criminal, it is wholly appropriate that the wrongdoers pay in many ways for their inability to conform their behavior to socially acceptable standards.

It has become commonplace for the pendulum to swing back and forth between protection of society and protection of defendants' due process guarantees. Today it is time it swings toward victim's rights—and after today, the victims of crime will no longer stand alone.

CALLING FOR OUTSIDE COUNSEL TO HELP THE ETHICS COMMITTEE

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, on May 26, 1988, a Member of this House said: ''I believe that honesty and accountability lie at the heart of self-government and freedom. Without integrity, our free institutions cannot survive.'' I could not agree more.

Mr. Speaker, on that same day, that same Member said: ''Recently the weight of evidence has grown so large that Common Cause has called for an investigation.'' That Member was NEWT GINGRICH. While Speaker GINGRICH and I may not agree on much in the 104th Congress, I certainly agree with what he said then.

I join Common Cause in calling for an outside ethics adviser to help the Ethics Committee.

As Speaker GINGRICH said in 1988: ''I think there is a different standard for being Speaker.'' I agree.

As the Speaker himself said, we need an outside counsel.

THE EXCLUSIONARY RULE REFORM ACT WILL HELP REDUCE CRIME

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. We have all heard stories about suspected criminals that have had their cases dropped due to illegal searches. I, like all Americans, believe strongly in the fourth amendment which bans unreasonable search and seizures. However, the number of dismissed cases is on the increase.

We have police officers risking their lives each and every day to put these criminals behind bars only to later have the criminals released on a technicality.

Under current law, judges must ignore evidence which was gathered illegally based on present interpretation, even when police thought they were acting legally. This must stop. We cannot allow criminals to control us.

The Exclusionary Rule Reform Act allows a good faith exception to be adopted. It ensures that violent criminals will not be released on a technicality if a search or seizure was conducted in good faith. People are tired and fed up with the justice system.

Let us give the people a sense of security and pass H.R. 666. The police desperately need this help in fighting crime. The American people are demanding help from elected officials in reducing crime.

HONOR THE BIRMINGHAM BLACK BARONS AND THE NEGRO BASEBALL LEAGUES

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, during segregation, blacks were excluded from organized baseball. To play baseball, black players and supporters organized the Negro Leagues. These leagues not only gave black players an opportunity to play, but they were an important part of the social life of the community.

The Birmingham Black Barons was one of the founding teams in the Negro Southern League. They often drew larger crowds than white teams which played in the same park. Their games often featured such promotions as dance contests, beauty pageants, and visiting celebrities like Lena Horne and Lionel Hampton. The Black Barons produced players such as Willie Mays and Satchel Paige, who later had prominent careers in organized baseball, when the barriers against black players were lowered.

The Birmingham Public Library is honoring players from the Birmingham Black Barons and other Negro League teams on Thursday night. At this time I would like to honor the following players: Mr. Pat Patterson, Mr. Willie Young, Mr. Eugene Williams, Mr. Norman Lumpkin, Mr. Verdell ''Lefty'' Mathis, Mr. Joe Scott, Mr. Sherwood ''Chet'' Brewer, Mr. Sammy Haynes, Mr. Frank King, Mr. James Zapp, Mr. James ''Fireball'' Bolden, Mr. Tommy Sampson, Mr. Cecil Witt, Mr. Ralph Johnson, Mr. Arthur Hamilton, Mr. John Kennedy, Mr. Anthony Lloyd, Mr. Johnnie Cowan, Mr. Bob Hayden, Mr. Carl Holden, Mr. James Norman, Mr. William Davis, Mr. Harold Hair, Mr. Willie Sims, Mr. Ralph Johnson, Mr. Louis Gillis, Mr. Carl Holden, Mr. Nathaniel Pollard, Mr. Joe B. Scott, Mr. Otha Bailey, Mr. Lyman Bostock, Mr. William ''Cap'' Brown, Mr. Lorenzo (Piper) Davis, Mr. Frank Evans, Rev. William Greason, Mr. Wiley Griggs, Mr. Raymond Haggins, Mr. Sam Hairston, Mr. Willie Harris, Mr. James ''Sap'' Evory, Mr. Willie Lee, Mr. Jesse Mitchell, Mr. John Mitchell, Mr. Wiliam Powell, Mr. Eugene Scruggs, Mr. Freddie Shepard, Mr. Willie Young, and Mr. Harry ''Mooch'' Barnes.

We are honoring only a few of the pioneers, but the others are not forgotten. Their contributions added immensely to the joys, pleasures and ''good times'' of a disenfranchised people at a difficult time in their lives. The work of each one of them shall be etched in the history of a people struggling to be free. This insertion into the CONGRESSIONAL RECORD ensures them that a record of their part in making America free, shall be preserved as long as this country exists.

May we play the game of life as honorably as they played the game of baseball.

KEVORKIAN (DEAD ON ARRIVAL) ACCOUNTING IN PRESIDENT CLINTON'S BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the Wall Street Journal's editorial page says it all, calling Clinton's budget Kevorkian accounting. It is dead on arrival.

Did the President's budget show leadership? I do not think so. Courageous? Not. Again, quoting the Wall Street Journal, ''Mr. Clinton's budget is essentially a defense of the status quo.''

Mr. Speaker, we were not elected to this great body to defend the status quo. We were elected to this great body to reform Congress, to get this Nation's financial house in order, and to make Government leaner and less intrusive.

We have made great progress, passing a balanced budget amendment, unfunded mandate reform, and just yesterday the line item veto. Despite our President, who has taken a walk with his budget presentation, we will make the tough choices which will lead to a balanced budget.

For the sake of our children and our children's children, we must not fail. We must show the courage and leadership to balance the budget.

CALLING FOR A TRUE OUTSIDE COUNSEL

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, what does the Speaker's dinner tonight, called Dining for Dollars, the minimum wage, and the outside counsel, have in common? It is a $50,000-a-plate dinner on which there will be a $19,000 tax break for everyone attending, which, incidentally, will pay the total wage for two minimum wage earners, the waiters, valets, car parkers, and so on, who will be waiting on those people, and incidentally, those wage earners will have trouble going to McDonald's to get the same tax break.

It all raises questions of access. I want to suggest a show for the new National Empowerment Network. Legal shows are popular. This will focus on questions such as media tycoons who have matters before Federal agencies and book deals with high congressional officials.

It can focus on political action committees that will not release the contributors before January 1. It can probe all types of questions of access. However, Mr. Speaker, we ought to take this show for the outside counsel out of Congress and get it where it belongs, in the public and with a true outside counsel.

APPLAUDING EMPLOYEES OF THE KENNEDY SPACE CENTER ON A REMARKABLE SPACE SHUTTLE MISSION

(MR. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, right now, the shuttle *Discovery* is orbiting 170 miles above, on a remarkable mission.

This shuttle mission, commanded by James Wetherbee is a mission of firsts.

Yesterday we witnessed a historic event: the rendezvous with the Russian space station *Mir*.

The shuttle *Discovery* maneuvered within 44 feet of the Russian space station.

This was a major effort of two former enemies, with different languages, cultures, and technologies, working together in peaceful cooperation.

This cooperation gives us great hope for the continued success of the U.S.-led international space station.

□ 1140

On board the space shuttle is Eileen Collins, the first woman to pilot a space shuttle mission. She is joined by the second Russian cosmonaut to fly aboard a United States space shuttle, Vladimir Titov.

Mr. Speaker, I salute and applaud the employees of Kennedy Space Station as well as Johnson in support of this remarkable shuttle mission.

WHAT A DINNER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, tonight the taxpayers are going to dinner with Speaker GINGRICH.

Tonight a dozen high rollers will sit down to dine with the Speaker and hand over $50,000 checks for his radical right wing television station. In the process, each attendee will get a tax write-off of almost $20,000. That is almost $240,000 of our tax dollars going to support the radical right wing agenda.

This is the same Speaker who refuses to release the names of the contributors to his personal political machine GOPAC. The same Speaker who, according to the Atlanta Constitution,

accepted almost $715,000 from one couple for GOPAC and hundreds of thousands of dollars from other individuals.

A television station, a political organization, a foundation, even a $4.5 million book deal. It is amazing Speaker GINGRICH has any time at all to be Speaker of the House.

Too many ethical questions have been raised about this Speaker. We need an outside counsel to clear the air, to find the truth, and we need one now.

PRESERVE THE CONSTITUTIONAL ROLE OF THE HOUSE FOR EXPENDITURES OF PUBLIC MONEY

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the American people and the Congress oppose the Mexican bailout, yet some power brokers in New York and in the executive branch seem to think they own the U.S. Government, and they have decided that the taxpayers are going to bail out Mexico anyway.

Using our own exchange stabilization funds to rescue Mexico from default is the equivalent of selling our own car insurance so that we can pay for the insurance of an irresponsible neighbor who cannot get insurance of his own because his driving record is so bad, and this arrangement may work as long as we do not have an accident.

In this situation, our greatest chance of an accident is being hit by our irresponsible neighbor.

This bailout for Wall Street and the elite in Mexico is putting our people at risk. What happens then to our own currency if there is an emergency and our stabilization fund is empty?

It is a travesty and a crime against our own people to do this. The administration must be held accountable to the Congress and the American people.

Please, support, I ask my colleagues, support the Kaptur-Taylor privileged resolution to stop this crime.

GINGRICH AFFAIRS REQUIRE OUTSIDE COUNSEL

(Mr. BRYANT of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, the $57,000-per-seat private dinner whereby the Speaker of the House is raising money for his new right-wing television network is the latest in a long series of questionable activities that require the investigation by an outside counsel.

Most Members of Congress, like the American people, are inclined to take their colleagues and fellow Americans at their word, but on the questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as those raised about the complicated affairs of House Speaker NEWT GINGRICH, an independent review by an outside counsel is essential. It is in the Speaker's interest as well as the House's interest and the American people's to see to it that allegations against him of conflict of interest and inappropriate behavior are settled.

The person that holds the office third in line to the Presidency should be above reproach, and serious allegations about the activities of the Speaker of the House demand swift, deliberate, nonpartisan, and above all, independent investigation by an outside counsel.

Mr. Speaker, it is time for an outside counsel.

THE MEXICAN BAILOUT: VOTE FOR THE RIGHT TO KNOW

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today the House will vote on House Resolution 57, a privileged resolution to assert Congress' constitutional duty to vote on the expenditure of our taxpayer dollars regarding the recent Mexico rescue package. The resolution will require the Comptroller General to perform an audit of the Mexican rescue package and report back to the Congress within 7 days.

One man in the White House, one Speaker and three other men here in Congress do not a republic make.

We ask the Speaker to grant our privileged resolution the right of full debate.

Authorizing billions of dollars without a vote of this Congress is wrong. Vote for your right to know. Vote for our people's right to know, vote for our taxpayers' right to know, vote for House Resolution 57, and vote ''no'' on any motions to table this bill.

SUPPORT AN INCREASE IN THE MINIMUM WAGE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, on November 1, 1989, 135 Republicans voted with the Democrats in passing a 90-cent increase in the minimum wage. The vote of this body was 382 to 37.

On that day, Democrats and Republicans joined together in raising the standard of living for nearly 5 million American workers. On that day our former Republican colleague, Tom Ridge, now the Governor of Pennsylvania, spoke very eloquently when he said, ''Republicans and Democrats today must make a joint statement that we, as elective Representatives, appreciate the contribution that these working men and women are making to our country, and once we peel away the political debate,'' Governor Ridge said, ''what Republicans and Democrats should join together in saying is that there is considerable value to their work.''

Governor Ridge had it right, Mr. Speaker. This proposal that we have before us now, another 90-cent increase, is a modest increase that working people need and deserve. It is a tribute to their labor.

An increase in the minimum wage will primarily benefit adult workers, many of whom rely on their minimum wage to support their households.

REPUBLICAN MAJORITY IS PRODUCING REAL RESULTS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, one more contract item down. Yesterday, we passed the line-item veto, and it joins the ranks with congressional reform, unfunded mandate reform, and a balanced budget amendment as those items in the Contract With America that we have passed. We are keeping our promises with the American people to bring real change to Congress.

Now we will move on to a real crime bill that seriously deals with violent criminals after that, we will continue to work on welfare reform, legal reform, tax cuts for middle-income Americans, term limits, and national security legislation.

Mr. Speaker, we committed to completing our Contract With America agenda within the 100-day timeframe. We are restoring credibility to this institution by keeping our promises with the American people. The Republican majority is producing real results.

MAJORITY OF AMERICANS SUPPORT AN INCREASE IN THE MINIMUM WAGE

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I come today just to take this 1 minute to talk to my fellow colleagues here in the Congress and to all those who listen out in the heartland of our Nation about the desire now among many of our leaders to raise the minimum wage.

The President of the United States and many Members of this Congress and the vast majority of Americans want to see the minimum wage increased. Now we have heard from the majority that they passed a balanced budget amendment because the majority of the people in our country want that to be passed, and the line-item veto and on and on and on about how this is the people's House, and they are doing what the people want done.

Well, the vast overwhelming majority of Americans have now made it known that they would like to see the minimum wage raised, and so that you do not appear to be contradicting yourself, I would ask that the majority join

with us as we seek a small 90-cent increase over 2 years for the minimum wage for millions of Americans who deserve to have their work rewarded.

$4.25 AN HOUR IS NOT A LIVING WAGE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, there is an ever-growing empire lurking on Capitol Hill called Newt, Inc.

While Big Bird, school lunches, and the handicapped face savage cuts this year, that new empowerment television will host an obscene $50,000-a-plate tax deductible dinner this evening. While the rich and powerful escape paying taxes, this new empowerment television will propagandize to the poor and working people of this country that $4.25 is more than enough on which to live.

□ 1150

Moreover, with in-kind GOPAC contributions, a questionable book deal, and the phenomenal group of Newt, Inc., an outside counsel is required.

Mr. Speaker, there is something rotten in Washington, DC, and, ''It ain't the cookie monster.''

A VOTE TO CARRY OUT OUR CONSTITUTIONAL RESPONSIBILITIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, Members who do not want to be treated like mushrooms will come to the floor now to speak and vote in favor of House Resolution 57.

This is a critical question: What are the terms, the amounts, the conditions and, more to point, the constitutional authority to extend unlimited full faith and credit of the United States Treasury—that is, the funds of the taxpayers of this country—to a foreign power, Mexico? Do the elected Representatives of the people have a right to disclosure?

A vote for this resolution is a vote to carry out our constitutional responsibilities, our fiduciary responsibilities as caretakers of the public purse; a vote ''no'' is a vote to be treated like a mushroom kept in the dark and fed unsavory substances.

MORE THOUGHTS ON THE BAILOUT OF MEXICO

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, all over this country, working people and elderly people and those people who do not have a lot of money are wondering about what is going on in Washington with regard to the bailout of Mexico.

We have always been told that if people want to invest their money, especially making risky investments, sometimes you win but sometimes you lose.

Investors in Mexico over the last several years have received very high rates of return on their investment, and that is fine. But recently some of those investments have turned sour. It seems to me and, I believe, a majority of the Members of this House that the U.S. Congress and the taxpayers and the President and the Republican leadership should not be bailing out those investments.

Members of Congress demand the right to vote, to debate, to discuss, to learn about the bailout of Mexico. The gentleman from Mississippi [Mr. TAYLOR] will soon be introducing a privileged motion to begin that process.

I would urge our colleagues to support that motion.

CONGRESS SHOULD BE INVOLVED IN THE MEXICAN BAILOUT

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I find myself at least in partial agreement with my Democrat colleagues. The stabilization fund that is being used by the President to help with the loan guarantee for Mexico is not for that purpose. That stabilization fund is to be used to stabilize and guarantee the value of the dollar, and I cannot fathom how using those funds to buy Mexican pesos, for instance, is going to stabilize the dollar when the peso is going straight down the toilet.

I would like to say to my colleagues that I think the Congress should be involved in this process, and I support their efforts to try to make sure that we are. When we are talking about $40 or $50 billion of American taxpayer dollars, the Congress should be involved, not just the President.

This is not a dictatorship. Unilateral action by the White House should not be tolerated.

INTRODUCTION OF HOUSE RESOLUTION 57

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to use this 1-minute to inform my colleagues that within a matter of minutes this House will be given the privilege that the President of the United States did not give us; and that is, to decide for ourselves whether or not we thought the Mexican bailout was a good idea.

The privileged motion that will be before the House in just a few minutes is to require the comptroller general to tell us if the law was obeyed when the President used $20 billion from the stabilization fund to bail out Mexico. It will further give us a report of all the transactions for the past 24 months so that we can have some sort of an idea if this is being done on a daily basis, has become a regular thing, or something of a one-time thing.

Getting to what the gentleman from Indiana [Mr. BURTON] said, there is a reason for getting this information. First, we have to isolate the problem so that later in this session we can offer a solution. And the solution to that should be that this fund, like every other fund in the budget, has to be appropriated.

Members of Congress have to know how much is in it, what are our risks, and there ought to be an up or down vote by this body as to whether or not this should exist.

First of all, we need the information to show the American people that the purpose of this fund has been abused.

ENSURING EXECUTIVE BRANCH ACCOUNTABILITY TO THE HOUSE IN EXPENDITURE OF PUBLIC MONEY

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a privileged resolution (H. Res. 57) to preserve the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the U.S. Government remains accountable to the House of Representatives for each expenditure of public money, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 57

Whereas rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively are affected;

Whereas, under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House;

Whereas section 8 of Article I of the Constitution vests in Congress the power to ''coin money, regulate the value thereof, and of foreign coins'';

Whereas section 9 of Article I of the Constitution provides that ''no money shall be drawn from the Treasury, but in consequence of appropriations made by law'';

Whereas the President has recently sought the enactment of legislation to authorize the President to undertake efforts to support economic stability in Mexico and strengthen the Mexican peso;

Whereas the President announced on January 31, 1995, that actions are being taken to achieve the same result without the enactment of legislation by the Congress;

Whereas the obligation or expenditure of funds by the President without consideration by the House of Representatives of legislation to make appropriated funds available for obligation or expenditure in the manner proposed by the President raises grave questions concerning the prerogatives of the House and the integrity of the proceedings of the House;

Whereas the exchange stabilization fund was created by statute to stabilize the exchange value of the dollar and is also required by statute to be used in accordance

with the obligations of the United States under the Articles of Agreement of the International Monetary Fund; and

Whereas the commitment of $20,000,000,000 of the resources of the exchange stabilization fund to Mexico by the President without congressional approval may jeopardize the ability of the fund to fulfill its statutory purposes: Now, therefore, be it

Resolved, That the Comptroller General of the United States shall prepare and transmit, within 7 days after the adoption of this resolution, a report to the House of Representatives containing the following:

(1) The opinion of the Comptroller General on whether any of the proposed actions of the President, as announced on January 31, 1995, to strengthen the Mexican peso and support economic stability in Mexico requires congressional authorization or appropriation.

(2) A detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President, or any officer or employee of the United States acting on behalf of the President, in connection with providing such support, including the terms which provide for collateral or other methods of assuring repayment of any outlays by the United States.

(3) An analysis of the resources which the International Monetary Fund has agreed to make available to strengthen the Mexican peso and support economic stability in Mexico, including—

(A) an identification of the percentage of such resources which are attributable to capital contributions by the United States to such Fund; and

(B) an analysis of the extent to which the Fund's participation in such efforts will likely require additional contributions by member states, including the United States, to the Fund in the future.

(4) An evaluation of the role played by the Bank for International Settlements in international efforts to strengthen the Mexican peso and support economic stability in Mexico and the extent of the financial exposure of the United States, including the Board of Governors of the Federal Reserve System, with respect to the Bank's activities.

(5) A detailed analysis of the relationships between the Bank for International Settlements and the Board of Governors of the Federal Reserve System and between the Bank and the Secretary of the Treasury, and the extent to which such relationships involve a financial commitment to the Bank or other members of the Bank, on the part of the United States, of public money or any other financial resources under the control of the Board of Governors of the Federal Reserve System.

(6) An accounting of fund flows, during the 24 months preceding the date of the adoption of this resolution, through the exchange stabilization fund established under section 5302 of title 31, United States Code, the manner in which amounts in the fund have been used domestically and internationally, and the extent to which the use of such amounts to strengthen the Mexican peso and support economic stability in Mexico represents a departure from the manner in which amounts in the fund have previously been used, including conventional uses such as short-term currency swaps to defend the dollar as compared to intermediate- and long-term loans and loan guarantees to foreign countries.

□ 1200

The SPEAKER. Does the gentleman from Mississippi [Mr. TAYLOR] wish to be heard briefly on whether the resolution constitutes a question of privilege?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

Mr. Speaker, in the past few days a dozen Members of Congress, ranking from people on the ideological right, like the gentleman from Kentucky [Mr. BUNNING] and the gentleman from California [Mr. HUNTER], all the way to people on the ideological left, like the gentleman from Vermont [Mr. SANDERS], have asked the question of whether or not the role of Congress has been shortchanged in the decision by the President to use this fund to guarantee the loans to Mexico.

We have come to the conclusion that it is privileged under the Rules of the House of Representatives, under rule IX, Questions of Privilege. It states, ''Questions of privilege shall be first those affecting the House collectively.'' Obviously, the fact that every Member of this body was denied a vote on the matter is a matter of the House collectively.

Furthermore, in section 664 of rule IX, entitled ''General Principles,'' as to the precedent of questions of privilege, it states that ''As the business of the House began to increase, it was found necessary to give certain important matters a precedent by rule. Such matters were called privileged questions.'' Section 664 goes on and says, ''Certain matters of business arising under the Constitution mandatory in nature have been held to have a privilege which superseded the rules establishing the order of business.''

One provision of our Nation's Constitution that is most clearly mandatory in nature is article I, section 9, clause 7. It states, ''No money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.''

Mr. Speaker, this Congress cannot stand idly by and avoid our constitutional duty, a duty mandatory in nature.

I request that the Chair rule immediately on this resolution, and in making that ruling abide by section 664 of rule IX, General Principles, as to precedents of question and privilege.

Once again, it states that ''Certain matters of business arising under the provisions of the Constitution mandatory in nature have been held to have a privilege which has superseded the rules establishing the order of business.''

Obviously, 31 U.S.C. 5302 is unconstitutional because it allows the executive branch to exercise powers exclusively given to the Congress in the Constitution. Therefore, it is a matter which directly affects a provision of the Constitution mandatory in nature. This resolution is therefore a privileged resolution as defined by rule IX of the House of Representatives.

Mr. Speaker, since there were a dozen cosponsors of this resolution, each of us with an equal input, I would like the Chair to oblige those other Members who would like to speak on the matter.

The SPEAKER. The Chair is willing to hear other Members. The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Mrs. KAPTUR. Mr. Speaker, I rise as an original sponsor of this legislation and in full support of our bipartisan efforts to get a vote on this very serious matter. Our resolution is very straightforward in attempting to reassert our rightful authority under the Constitution of the United States.

Our resolution simply requires that the Comptroller General report back to the Congress within 7 days, particularly with regard to a detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President or any officer or employee of the United States acting on behalf of the President.

This is not an insignificant amount of money. From our study of this particular section of the law that the President claims he used in presenting this particular arrangement for Mexico, never, never in the history of the United States has that fund been used to such a large extent, over $20 billion, and it appears to be growing as the days go on, and never for this particular purpose.

As one looks down the road at the conditions in Mexico and the fact that inflation is out of control——

The SPEAKER. If the Chair may interrupt, the Chair is recognizing the gentlewoman from Ohio for the purpose of explaining why the resolution is privileged, not for the purpose of explaining its merits. The only question at stake at the moment is whether or not this meets the test of being privileged.

Ms. KAPTUR. Mr. Speaker, let me say, is it the Chair's understanding that when any matter comes before the House for a vote, each Member's vote has equal value in standing? On any vote we might take?

The SPEAKER. The Chair will rule presently on the resolution under rule IX. The Chair at the moment is simply as a courtesy recognizing Members to explain why they believe it is a matter of privilege. The Chair will then rule on this resolution fitting into the rules of the House.

Ms. KAPTUR. We believe that this is a question of privilege of the House because of the constitutional role of the House of Representatives to provide for the expenditure of public money and ensure that the executive branch of the U.S. Government remains accountable to the House for each such expenditure of public money.

The gentleman from Mississippi [Mr. TAYLOR] referenced the section of the Constitution, article I, section 9. Let me reference article I, section 8 of our Constitution to coin money, regulate the value thereof, and of foreign coins.

We believe this is a matter that involves every single Member of the House of Representatives.

The SPEAKER. The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, it states, ''Questions of privilege shall arise whenever the rights of the House collectively are affected,'' and, further to the point, ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

The issue is whether or not the authority previously extended by the House in a 1933 statute has been exceeded, and if it has been exceeded, then certainly the House is collectively affected, and most certainly we see a violation of section 9, article I of the Constitution.

Further, as the Speaker knows, appropriations are to originate in the House. In this instance we are dealing with large sums of money to be drawn on the U.S. Treasury which have not been appropriated by this House. So we feel that it is essential that the House assert its prerogative.

To tell the truth, Mr. Speaker, I do not believe we can come to a final and dispositive determination whether or not there is a violation of the constitutional prerogatives of the House unless we have these questions answered, and unless the resolution goes forward they will not be answered.

The SPEAKER. The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, you and I or the President of the United States and I may disagree with the wisdom of the Mexican bailout, but I think very clearly the American people are wondering about what is happening to our Constitution and to the ability of Members of Congress to represent them.

Mr. Speaker, every single day Members come up here and they question this appropriation, whether this $50,000 is well spent, whether this $200 million is well spent. It seems to me that the people of Vermont and the people all across this country are wondering about the Constitution when we are talking about putting at risk $40 billion of taxpayers' money without serious discussion and debate on the floor of the House.

It seems to me what the Constitution is about is that if the Members of the House and if the Members of the Senate want to approve this $40 billion bailout, OK. But it is incomprehensible, and it seems to me unconstitutional, that that bailout can take place without debate, without discussions, and without a vote.

So, Mr. Speaker, I very much support this privileged resolution, and hope that the Members will vote for it.

The SPEAKER. Having heard now from five Members, the Chair is prepared to rule on this. The Chair would first of all point out that the question before the House right now is not a matter of the wisdom of assistance to Mexico, nor is the question before the House right now a question of whether or not the Congress should act, nor is what is before the House a question of whether or not this would be an appropriate topic for committee hearings, for legislative markup, and bills to be reported.

What is before the House at the moment is a very narrow question of whether or not the resolution offered by the gentleman from Mississippi [Mr. TAYLOR] is a question of privilege. On that the Chair is prepared to rule.

The privileges of the House have been held to include questions relating to the constitutional prerogatives of the House with respect to revenue legislation, clause 1, section 1, article I of the Constitution, with respect to impeachment and matters incidental, and with respect to matters relating to the return of a bill to the House under a Presidential veto.

Questions of the privileges of the House must meet the standards of rule IX. Those standards address privileges of the House as a House, not those of Congress as a legislative branch.

□ 1210

As to whether a question of the privileges of the House may be raised simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution or the general legislative ''power of the purse'' in the seventh original clause of section 9 of that article, the Chair finds helpful guidance in the landmark precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48. On that occasion, the Speaker was required to decide whether a resolution purportedly submitted in compliance with a mandatory provision of the Constitution, section 2 of the 14th amendment, relating to apportionment, constituted a question of the privileges of the House.

Speaker Gillett held that the resolution did not involve a question of privilege. His rationale bears quoting. And I quote.

> This whole question of a constitutional privilege being superior to the rules of the House is a subject which the Chair has for many years considered and thought unreasonable. It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses.
>
> If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done. And a constitutional question, like any other, ought to be decided according to the rules that the House has adopted. But there have been a few constitutional questions, very few, which have been held by a series of decisions to be of themselves questions of privilege above the rules of the House. There is the question of the President's veto.
>
> Another subject which has been given constitutional privilege is impeachment. It has been held that when a Member rises in his place and impeaches an officer of the government, he can claim a constitutional privilege which allows him at any time to push aside the other privileged business of the House.

Later in the same rule, Speaker Gillett made this observation, again I quote:

> But this Rule IX was obviously adopted for the purpose of hindering the extension of constitutional or other privilege. If the question of the census and the question of apportionment were new questions, the Chair would rule that they were not questions of constitutional privilege, because, while of course it is necessary to obey the mandate of the Constitution and take a census every ten years and then make an apportionment, yet there is no reason why it should be done today instead of tomorrow. It seems to the Chair that no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House but that the rules of the House or the majority of the House should decide it. But these questions have been decided to be privileged by a series of decisions, and the Chair recognizes the importance of following precedence in obeying a well-established rule, even if it is unreasonable, that this may be a government of laws and not of men.

The House Rules and Manual notes that under an earlier practice of the House, certain measures responding to mandatory provisions of the Constitution were held privileged and allowed to supersede the rules establishing the order of business. Examples included the census and apportionment measures mentioned by Speaker Gillett. But under later decisions, exemplified by Speaker Gillett's in 1921, matters that have no other basis in the Constitution or in the rules on which to qualify as questions of the privileges of the House have been held not to constitute the same. The effect of those decisions has been to require that all questions of privilege qualify within the meaning of Rule IX.

The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

Consistent with the principles enunciated by Speaker Gillett, the House considered in 1941 the joint resolutions to declare war on Japan, Germany and Italy by way of motions to suspend the rules. On July10, 1991, again in consonance with these principles, the House adopted a special order of business reported from the Committee on Rules to enable its consideration of a concurrent resolution on the need for congressional authorization for military action, a concurrent resolution on a proposed policy to reverse Iraq's occupation of Kuwait, and a joint resolution authorizing military action against Iraq pursuant to a United Nations Security Council Resolution.

Finally, the Chair observes that in 1973, the House and the Senate, again

consistent with Speaker Gillett's rationale, chose to exercise their respective constitutional powers to make their own rules by including in the War Powers Resolution provisions according privilege to specified legislative measures relating to the commitment of U.S. Armed Forces to hostilities. It must be noted the procedures exist under the rules of the House that enable the House to request or compel the executive branch to furnish such information as it may require.

The Chair will continue today to adhere to the same principles enunciated by Speaker Gillett. The Chair holds that neither the enumeration in the fifth clause of section 8 of article I of the Constitution of Congressional Powers ''to coin money, regulate the value thereof, and of foreign coins,'' nor the prohibition in the seventh original clause of section 9 of that article of any withdrawal from the Treasury except by enactment of an appropriation, renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House.

The resolution offered by the gentleman from Mississippi recites the enumerated powers of Congress relating to the regulation of currency and the general legislative ''power of the purse,'' and resolves that the Comptroller General conduct a multifaceted evaluation of recent actions taken by the President to use the Economic Stabilization Fund in support of the currency of Mexico and to report thereon to the House.

It bears repeating that questions of privileges of the House are governed by rule IX and that rule IX is not concerned with the privileges of the Congress, as a legislative branch, but only with the privileges of the House, as a House.

The Chair holds that the resolution offered by the gentleman from Mississippi does not affect ''the rights of the House collectively, its safety, dignity, or the integrity of its proceedings'' within the meaning of clause 1 of rule IX. Although it may address the aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. Were the Chair to rule otherwise, then any alleged infringement by the executive branch, even, for example, through the regulatory process, on a legislative power conferred on Congress by the Constitution would give rise to a question of the privileges of the House. In the words of Speaker Gillett, ''no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House.''

PARLIAMENTARY INQUIRIES

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The chair has ruled that this is not a privileged resolution.

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRAFICANT. Mr. Speaker, I would ask that there be a reconsideration on the ruling of the Chair, because I believe that the precedents so cited do not apply. This is not, in the opinion of the drafters, simply to be an infringement by the executive branch.

The SPEAKER. The gentleman's parliamentary inquiry is moot. The Chair has, in fact, ruled that this resolution, as drafted, does not meet the procedures required for being a question of privilege and that is based upon very thorough study by the Parliamentarian of the precedents of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, since the Speaker has gone to great pains to research the precedents of the House, I would like to point out to the Speaker that in the past whether or not the ceiling tiles were properly affixed to the ceiling of this Chamber has been ruled as a privileged resolution.

The SPEAKER. The Chair would respond to the gentleman from Mississippi, that relates directly to the safety of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would also like to point out that the original custom of this body was to present any question of a privilege of the House to the Members and let the Members decide whether they felt it was a privilege of the House that was being violated. Is the Speaker willing to grant the Members of this House that same privilege?

The SPEAKER. The Chair would simply note that the Chair is following precedent as has been established over the last 70 years and that that precedent seems to be more than adequate. And in that context, the Chair has ruled this does not meet the test for a question of privilege.

Mr. TAYLOR of Mississippi. Mr. Speaker, a further parliamentary inquiry: What is the procedure for——

The SPEAKER. The only appropriate procedure, if the gentleman feels that the precedents are wrong, would be to appeal the ruling of the Chair and allow the House to decide whether or not to set a new precedent by overruling the Speaker.

□ 1220

Mr. TAYLOR of Mississippi. Mr. Speaker, I appeal the ruling of the Chair, and I would like Members of Congress to be granted the 1 hour that the House rules allow for to speak on this matter.

PREFERENTIAL MOTION OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. ARMEY moves to lay on the table the appeal of the ruling of the Chair.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentlewoman will state the parliamentary inquiry.

Ms. KAPTUR. Mr. Speaker, am I correct in understanding that the motion to table this appeal is not debatable?

The SPEAKER. The gentlewoman is correct.

Ms. KAPTUR. And thus, Mr. Speaker, Members of Congress will be deprived by this vote without any type of a debate on the authority vested in our constitutional rights to vote on this issue?

The SPEAKER. The Chair would say to the gentlewoman that the motion is not debatable.

The question is on the preferential motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker announced that the ''ayes'' appeared to have it.

Mr. TAYLOR of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be 17 minutes total.

The vote was taken by electronic device, and there were—yeas 288, nays 143, not voting 3, as follows:

[Roll No. 96]

YEAS—288

Allard	Chrysler	Franks (CT)
Archer	Clinger	Franks (NJ)
Armey	Coburn	Frelinghuysen
Bachus	Coleman	Frisa
Baker (CA)	Collins (GA)	Funderburk
Baker (LA)	Combest	Gallegly
Baldacci	Cooley	Ganske
Ballenger	Cox	Gejdenson
Barr	Crane	Gekas
Barrett (NE)	Crapo	Gephardt
Bartlett	Cremeans	Geren
Barton	Cubin	Gilchrest
Bass	Cunningham	Gillmor
Bateman	Davis	Gilman
Becerra	de la Garza	Goodlatte
Beilenson	DeLauro	Goodling
Bentsen	DeLay	Goss
Bereuter	Diaz-Balart	Graham
Berman	Dickey	Green
Bilirakis	Dicks	Greenwood
Bliley	Dixon	Gunderson
Blute	Doggett	Gutierrez
Boehlert	Dooley	Gutknecht
Boehner	Doolittle	Hamilton
Bonilla	Dreier	Hancock
Bonior	Dunn	Hansen
Bono	Edwards	Hastert
Boucher	Ehlers	Hastings (WA)
Brownback	Ehrlich	Hayworth
Bryant (TN)	Emerson	Hefley
Bunn	Ensign	Heineman
Bunning	Everett	Herger
Burr	Ewing	Hilleary
Burton	Fawell	Hobson
Buyer	Fazio	Hoekstra
Callahan	Fields (TX)	Hoke
Calvert	Flake	Horn
Camp	Flanagan	Hostettler
Canady	Foglietta	Houghton
Cardin	Foley	Hutchinson
Castle	Forbes	Hyde
Chabot	Ford	Inglis
Chambliss	Fowler	Jackson-Lee
Chenoweth	Fox	Jefferson
Christensen	Frank (MA)	Johnson (CT)

Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Maloney
Manton
Manzullo
Markey
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Moakley
Molinari
Moorhead
Moran
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pastor
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Reynolds
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Studds
Stump
Talent
Tate
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Upton
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—143

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Bevill
Bilbray
Bishop
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
Dellums
Deutsch
Dingell
Doyle
Duncan
Durbin
Engel
English
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Furse
Gibbons
Gonzalez
Gordon
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Hunter
Istook
Jacobs
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Klink
Klug
Lantos
Largent
Lincoln
Lipinski
Lofgren
Lowey
Luther
Martinez
Mascara
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Murtha
Myers
Nadler
Oberstar
Obey
Orton
Owens
Pallone
Parker
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Rivers
Roemer
Rohrabacher
Rose
Sabo
Sanders
Schroeder
Scott
Sisisky
Slaughter
Spratt
Stark
Stearns
Stokes
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Towns
Traficant
Tucker
Velazquez
Visclosky
Watt (NC)
Weldon (PA)
Whitfield
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—3

Dornan
Frost
Yates

☐ 1240

Messrs. SPRATT, SABO, MASCARA, and WYNN, Ms. WOOLSEY, and Mr. COYNE changed their vote from ''yea'' to ''nay.''

Messrs. HOEKSTRA, EWING, TIAHRT, HEINEMAN, JONES, DICKEY, FUNDERBURK, KENNEDY of Massachusetts, and OLVER, Ms. ROYBAL-ALLARD, Mrs. SMITH of Washington, Mr. TORRES, and Mr. SANFORD changed their vote from ''nay'' to ''yea.''

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1240

SCHEDULING OF HEARINGS CONCERNING THE MEXICAN BAILOUT

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, if I might just take a moment of the body's time, I want to first begin by observing my appreciation to the gentleman from Mississippi [Mr. TAYLOR] and his cosponsors for the initiative they have taken, the interest and concern they have expressed with this initiative. It is unfortunate that the initiative came to the floor in an order that was not, in fact, in order with the rules of the House.

I did want to tell all the Members that the House Republican leadership does, in fact, recognize the amount of concern that we have on both sides of the aisle on this issue, and that there are arrangements being made in the committees to begin hearings to give this Congress its legitimate and orderly exercise prerogative to examine this issue and the manner in which it is carried out, and the Members should be reassured that, in fact, they will have an opportunity to address this issue.

And again, as I said, in all due respect to the effort taken by the gentleman from Mississippi [Mr. TAYLOR] and his colleagues, we do appreciate their effort.

Before I yield enough, I would like to make the observation, I frankly do not think it is desirable to take up the body's time for an extended debate. So for brief comments, I will yield first, to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me. I will not take a long time.

Obviously, those of us who strongly supported that resolution are extremely disappointed. We consider this to be a historic moment in the House because of that ruling, and the fact that we were just silenced without even the ability to debate for 1 hour in the full House.

Now, I understand the gentleman and the majority control the committees, and I understand what happened in the committees, and why we do not have a bill on this floor today.

But let me say to the gentleman I encourage you on your efforts in the committees. We do not expect anything of consequence to result from that. But I know that there are Members along with myself on both sides of the aisle who are very concerned about this historic move of the House to silence the Membership on the largest use of unappropriated dollars in the history of this Nation.

Mr. ARMEY. Let me just say I do appreciate the gentlewoman's disappointment. I have felt it myself many times. But it was, in fact, the correct ruling of the Chair.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Let me just say I share the concern of the gentlewoman from Ohio. We will hold extensive hearings on this subject, how it will impact on the United States, Mexico and other Latin American countries. It will not be just window dressing. We are going to hold extensive hearings. The gentlewoman will be included in the discussion at the hearing.

VICTIM RESTITUTION ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 60 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 60

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 665) to control crime by mandatory victim restitution. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and

report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore (Mr. KOLBE). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend and colleague, the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 60 is an open rule providing for the consideration of H.R. 665, a bill designed to ensure that criminals pay full restitution to their victims for all damages caused as a result of the crime committed and to any other persons who are harmed by an offender's unlawful conduct.

This legislation is the first in a series of anticrime measures which the House will consider this week. It is only fitting that the first bill, the one dealing most directly with the casualties of crime, the victims themselves, be considered under an open, wide open, rule, because each and every Member here brings to this debate a unique and personal perspective on this issue.

For, tragically, crime is so pervasive that no citizen escapes its reach.

This rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, and makes in order the Committee on the Judiciary amendment in the nature of a substitute as the original bill for the purpose of amendment under the 5-minute rule

Finally, the rule provides for one motion to recommit with or without instructions. Under this rule, the Chairman of the Committee of the Whole may give priority and recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD.

Let me just emphasize once again to my colleagues that preprinting of amendments is not mandatory. It is purely optional. Members who have not published their amendments will still be permitted to offer them at the appropriate time.

The majority on the Committee on Rules continues to encourage Members to exercise this option in the future not only to receive priority status but also to inform our colleagues in advance of the number and type of amendments they are likely to be offering.

□ 1250

Mr. Speaker, throughout my years as a judge and prosecutor, I worked closely with victims of crime, and was very often moved by their plight. These individuals and their families did not ask to be victims, yet after experiencing crime firsthand, they bravely embarked on the process of trying to recover from unexpected, unwanted, and totally undeserved trauma.

The committee report accompanying H.R. 665 includes some very sobering statistics. For example, according to the Bureau of Justice Statistics, from 1973 to 1991, more than 36 million people in the United States were injured as a result of violent crime. In 1991 alone, crime resulted in an estimated $19.1 billion in losses. Clearly, there are tremendous costs associated with crime—emotional, physical, and financial—all of which must be borne by individuals, families, and ultimately, by this Nation.

After years of elevating the rights and needs of criminals, the American public is beginning to recognize that crime victims have very real needs as well. Their voices are finally being given a meaningful role in the public policy process, helping them turn their personal anguish into positive action. Despite this progress, crime victims' rights are still often overlooked, and additional reforms are needed to bring some balance into an often one-sided process. One of those reforms is the right to adequate restitution from the perpetrator for losses incurred as a result of the crime itself.

That is the purpose of H.R. 665—to mandate that restitution be awarded by the court in Federal proceedings, and that it also be considered for persons other than the victim who may have been harmed by the criminal's unlawful acts.

Although this legislation cannot erase the victims' suffering, it is an important step toward securing justice and ensuring greater accountability on the part of criminals themselves. H.R. 665, would require criminals to come face-to-face with the harm suffered by their victims and also just as important provide the victim with some small sense of satisfaction that the system addresses their needs as well.

Only one amendment was offered during the Judiciary Committee's markup of H.R. 665, and it was accepted by voice vote. The bill itself was reported favorably, as was this rule. Should there be any remaining concerns about the legislation, this open rule would give the House ample opportunity to discuss them.

Mr. Speaker, crime victims do not ask for our pity and do not ask for our sympathy. They simply ask to be treated with the respect and compassion their circumstances deserve. I strongly support the Victim Restitution Act of 1995, and urge adoption of this very open rule so that we may continue the spirit of openness and deliberation that is needed in the people's House.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I would like to commend my colleague, the gentlewoman from Ohio [Ms. PRYCE], as well as my colleagues on the other side of the aisle for bringing this resolution to the floor. House Resolution 60 is essentially an open rule which will allow full and fair debate on the important issue of victims restitution. Under this rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House of Representatives. I am pleased that the Rules Committee was able to report this rule without opposition and I plan to support it.

Although this rule is open it does include a provision allowing the Chair to give priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This is unnecessary to the rule and sometimes confuses Members who are not sure whether the printing requirement is mandatory.

Mr. Speaker, House Resolution 60 allows the House to consider a very important piece of legislation, H.R. 665, the Victim Restitution Act. According to the Bureau of Justice Statistics, from 1973 to 1991, 36.6 million people in the United States were injured as a result of violent crime. In 1992, there were nearly 34 million victims of crime nationally. The purpose of this bill is to ensure that criminals pay full restitution to their victims for all damages caused as a result of a crime.

Since crimes against people and households have resulted in an estimated $19.1 billion in losses in 1991 alone, it is only fair that restitution be ordered. By requiring full financial restitution, the act requires an offender to face the victims of his crime, and the victims to receive some compensation for their emotional and physical harm resulting from the crime. I understand this bill does have bipartisan support and major amendments are not expected. I sincerely hope we will continue to see open rules on the more controversial crime bills coming down the pike as well.

As I indicated before, I support this open rule and I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, it is my pleasure to yield 3 minutes to the very distinguished gentleman from Florida [Mr. GOSS], our very able chairman of the Subcommittee on the Legislative Process of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. I thank the distinguished gentlewoman from Columbus, OH, Judge PRYCE, for yielding this time to me and would like to say how happy we are to have her as a member of the Committee on Rules. It is already making a difference, as you have just heard.

Mr. Speaker, what a difference 7 months makes as well. Last August this House spent countless hours in an effort to pass a crime bill conference report that I do not think anybody was enthusiastic about. After keeping Members in town for an extra week and a half of sweet persuasion, as I think Speaker Foley used to call it—some others of us would call it arm-twisting—the Democratic leadership was able to eke out a very small majority to pass out the rule and the bill.

I had the privilege of managing the crime bill rules for the minority last August, and two things about that debate really stand out in my mind. The speech by Minority Leader Bob Michel preceding the original vote on the crime bill, I think, can now be seen as the turning point in 40 years of congressional history and, in some ways, the start of the 104th Congress.

An energized Republican minority at that time joined by dissatisfied Democrats defeated the rule, actually defeated the rule, signalling the beginning of the end, I think, for the old order. Republicans won a hard-fought battle for a seat at the bargaining table because of that vote, primarily, and many saw for the first time a light at the end of the permanent minority status tunnel that we were in.

However, despite that long bipartisan negotiation that followed, I think most Members of the House were underwhelmed by the final crime bill product, and so here we are today.

Our Members on this side in fact did make a promise then, we promised to revisit the crime bill and to address its many shortcomings if we were put in the majority. The American people listened, and we are here today as the majority. A short 7 months later, just over a month into the 104th Congress, we are fulfilling that promise. And we are doing so under an open rule.

Let us not forget that the original rules, there were several of them for consideration of last year's omnibus crime bill, were some of the most creative, I think you can read contrived for that, that we have seen, including special provisions to report and consider a rule on the same day, a multitude of waivers, including waivers for not having a report on the bill, a report on the bill, and for dispensing with the normal 3-day layover. In other words, Members did not necessarily know what was in the bill. And a closed amendment process that picked and chose among the scores of amendments that were actually filed. What a difference 7 months make, and what a difference a new majority makes. Today we have an open rule, as promised, to proceed under.

So I cheerfully urge my colleagues to support the rule and the bill. It is worth your vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. I thank my colleague from Ohio for yielding this time to me.

Mr. Speaker, like the other Democratic members of the Committee on Rules, I am very glad the bill is being brought up under an open rule, but I must say that I think it could just as easily have been brought up under suspension of the rules, especially given the great hurry to finish the Contract With America within 100 days.

Mr. Speaker, there is no controversy at all around this bill. It had one amendment in committee that passed by voice vote. The bill itself passed the committee on the Judiciary by a voice vote. The majority could have just as easily put this under the suspension calendar, and I do not know why they did not, unless they want to show all the open rules that they have amassed over the year.

□ 1300

Yesterday, in the Committee on Rules, the chairman of the Committee on the Judiciary said this bill was noncontroversial. So, an open rule for the bill is a good step, but not exactly a courageous one.

Mr. Speaker, what concerns me is what may happen when we get the more controversial parts of the crime bill to the floor. Last week the majority brought up three bills under open rules that passed last session under suspension. Well, I say to my colleagues, ''You know, it's one thing to have a definition of what an open rule or closed rule is, and it's one to use open rules when you can and suspensions when you can, and especially when the chairman keeps prodding people, 'Hurry up, hurry up, we have only got a hundred days, and Ronald Reagan's birthday,' and so on, an I'm just afraid it might be somebody else's birthday Sunday and we might not even be able to go home.''

But today my Republican colleagues are bringing up a bill that has few, if any, amendments under an open rule, but it looks like tomorrow or the next day they will bring up bills that do have amendments under a closed rule. In other words:

''You can have an open rule, if it doesn't look like you're going to use it.''

Mr. Speaker, let us continue this trend of open rules on crime bills, whether Members have amendments or not.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from upstate New York.

Mr. SOLOMON. Where it is about 30 below zero without the wind chill factor right now.

It just bothers me that here we are trying to be as open, and fair and accountable as we possibly can. I just want to inform the gentleman that we are right now entertaining a suggestion from his minority leader, the gentleman from Missouri [Mr. GEPHARDT], and other Democrat leaders on trying to do exactly what the gentleman is complaining about.

The SPEAKER pro tempore (Mr. HEFLEY). The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield an additional minute to the gentleman from Massachusetts.

Mr. SOLOMON. Mr. Speaker, I ask, ''Why doesn't he yield him such time as he might consume?''

Mr. MOAKLEY. I say to the gentleman, ''Mr. SOLOMON, we know you're all-powerful, but please let Mr. HALL do what he wants to do.''

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Well, as I was saying, the Democrat minority would like to bring up on the floor, as early as maybe even this afternoon or tomorrow morning, the habeas corpus or the death penalty bill.

Mr. MOAKLEY. Under an open rule.

Mr. SOLOMON. We are trying to accommodate our colleagues; with no rule at all by unanimous consent, so the gentleman ought to, as my colleagues know, be cooperative. We are going to consult.

Mr. MOAKLEY. I will be very cooperative. All I want to do is show the rules, the definition of the rules, that we worked when I was chairman and the definition of the rules that the gentleman is working as the chairman. Last week, Mr. Speaker, we put three bills on open rules, when under my chairmanship they went through the Suspension Calendar.

Mr. SOLOMON. I do not want to belabor the point.

Ms. PRYCE. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. PRYCE] for yielding and would like to congratulate her on her superb management of this bill, and I would simply respond to the former chairman, the now distinguished minority ranking Member's position on suspensions versus open rules, and we need to recognize, Mr. Speaker, that under the suspension provisions amendments are not allowed, and the main reason that we have proceeded with this open amendment process is that we allow Members to have a chance to offer amendments, whereas in the past open rules were granted when there were virtually no amendments that were even being considered at all, and so our

goal here is to allow Members that opportunity.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield.

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Well, there were no amendments offered in committee on the ones that went through suspension last year, and there was one amendment that was accepted by voice vote in the Committee on the Judiciary, and then after that was accepted, the entire bill was accepted on voice vote.

Mr. DREIER. Reclaiming my time, Mr. Speaker, under the open amendment process we did not announce here on the floor for Members to come upstairs, the reason being that we planned to have a completely open process. Two amendments were filed with the RECORD here, so there were amendments the gentleman from Vermont [Mr. SANDERS] offered, and we, in fact, have wanted to have free and fair debate and an open process.

We are not simply trying to run up the number of open rules we have, which tragically was the case in the 103d Congress, and so the Suspension Calendar actually does restrict Members from having the opportunity to participate——

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I ask the gentleman, would you and Mr. SOLOMON go back over the RECORD a couple of years, and take all the bills that we put under suspension, and make——

Mr. DREIER. Absolutely not because it is a completely different structure.

Mr. MOAKLEY. It is a completely different regime.

Mr. DREIER. That is true, too.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, can there by any doubt in the America of today that crime, that lawlessness, that violence that is afflicting our families and their homes and their businesses on streets and highways across this country is a No. 1 concern?

Indeed at the very moment of this debate, Mr. Speaker, there are honest, hard-working Americans who are out there being subject to violence to their life, to destruction of their property, from those who are lawless, who are the target of this legislation, and yet one would think that, knowing the enormity of this problem, our Republican colleagues, who have a commanding majority, would be here structuring a debate so that we could have an open and free-flowing discussion of the most effective way to fight crime in this country.

That is not occurring here.

In fact, the underlying agenda of what is occurring here today is not open and free-flowing debate. Rather it is the attempt to split, and to split asunder, the first truly comprehensive smart crime fighting measure that this Congress enacted within less than 9 months. That bill is not presented to us today in whole. It is split into itty-bitty parts.

And where do we begin in that debate? Do we begin up front in trying to prevent crime? Do we begin with the law enforcement officers, all of whom, all of the major law enforcement organizations, back this smart crime bill; do we begin with them? No, we begin at the tail end.

I can tell my colleagues that this debate is a classic case of the tail wagging the dog, and, as a fellow named DOGGETT, I am an expert on that subject. I can tell my colleagues, ''When you begin at the tail end of crime instead of dealing with the dog, instead of dealing with the police, and with the crime fighting, and with the crime prevention, you begin at the wrong end.''

So what do we find ourselves doing in this great building at a time that Americans are dying, at a time that Americans are having their property stolen? We are here talking about a bill that everybody agrees on, that there should be restitution. Of course there should be restitution.

As a State senator, I sponsored crime victims compensation strengthening amendments to ensure that criminals in our State of Texas did some restitution and did some repayment to victims. But, by golly, do my colleagues know a victim anywhere in this country who would not rather have the crime prevented? Who would not rather have the law enforcement officer there on the beat in the community instead of getting restitution?

Our Republican colleagues bring us a bill to fight crime that we agree with, and why do they do it this way, under this great open rule? Well, I will tell my colleagues why. Because somewhere among the splintered bills of this great crime bill that was passed by the last session of Congress, right at the tail end of the presentation is the measure concerning our police, concerning crime prevention.

Why is it that the police always have to come in last? Why is it that the crime prevention has to come in last? Because the Republican majority that claims to be against crime has structured a debate that does not allow for a free-flowing discussion of whether we ought to end the commitment to a hundred thousand police on American streets, end the Federal commitment to effective local crime prevention programs, and take all that money that the police would have gotten that have added 25 new police to my hometown in Austin, who are being trained right now, take that money and pour it into concrete, pour it into steel bars, and somehow think we can build prisons fast enough to house all these violent criminals if we do not do a better job of preventing crime in the first place.

□ 1310

Mr. Speaker, it is essential that in the course of this debate we recognize that if all that is accomplished out of these splintered bills is to take money away from our policemen, many of whom are here today as I speak covering a press conference defending the crime bill that was passed last week, if we take that money away from our law enforcement officers, that thin blue line that protects American communities, if we take away that commitment and if we destroy a Federal commitment to an effective local crime prevention program, which is exactly what this series of bills does, if we take all that money and we pour it into concrete and we pour it into steel bars and we pour it into boondoggles, Mr. Speaker, there is no way we can build fast enough to replace what we have destroyed.

I support this victims restitution bill. I do not know of anyone who does not support it. But, by golly, we need to be on the side of our law enforcement officers. We need to keep adding more law enforcement officers and more prevention and then take care of restitution.

Ms. PRYCE. Mr. Speaker, I am very pleased to yield 3 minutes to one of our new colleagues, the distinguished gentleman from Florida [Mr. FOLEY]. The gentleman from Florida has already proven to be a very active and very effective Member of the House of Representatives, and we are very pleased to have him with us.

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman from Ohio and, of course, my good friend, the gentleman from Florida [Mr. MCCOLLUM] for their leadership on the crime bill.

This is the Victim Restitution Act. ''Victim''—let us say that word repeatedly—''victim.'' This is not about hurting the police officers. We want to help them, but we cannot help them unless we make the victims whole from their tragedies. Let me tell the Members about a personal experience I had.

My home was broken into. The perpetrator of the crime was a juvenile. He had been arrested 17 times. Each time the parents came into the courtroom and said, ''Your Honor, we're trying. He's really a nice young man. We're doing our best.''

Each time the judges would say, ''O.K., go home. Probation.''

When my home was robbed, the judge looked at the family when the parents started that same pablum about ''My good child,'' and said, ''You know, you must be proud of your son. Who wouldn't be proud of a child that had been arrested 17 times? I'll make a deal for you. Mr. FOLEY has lost 3,000 dollars' worth of valuable possessions from his home. If you're not in the courtroom, parent, at noontime tomorrow with a check made payable to the Clerk of Courts for $3,000, I will put in

an arrest warrant for you and your son and you'll stay in jail until you decide who is going to be the boss of the family.''

With that the father hit the kid in the head and said, ''Look what you got me into.''

It took money out of the parents' pockets to recognize that they are responsible for their children.

Let me tell the Members another story that happened in my district. Joe Dubeck, a young man in my district, was stabbed in the chest. After nearly dying on the way to the hospital, he was rushed into intensive care. While he was laying on the gurney, the assailant was bailed out with $3,000. Three thousand dollars, and he is out of jail. Joe Dubeck spent weeks in recovery, and thankfully, he is seeking recovery, and I am happy to say that he is now back with his wife and children. While he continues that recovery, however, his small business that he was building is undergoing serious challenges.

For far too long we have forgotten the innocent victims of crime. This House resolution and H.R. 665 are going to help prevent that. The bill restores common sense in the criminal justice system by holding criminals responsible for their actions.

I rise in support of this bill because of the Dubeck family and the many young families like them that have had to watch from the sidelines as our system coddles the villains and ignores those who abide by the laws of this Nation.

Mr. Speaker, I urge my colleagues to support this bill to get tough on the criminals, to support law enforcement officers who want this bill to pass because they are tired of arresting criminals who are released before their report ink is dry. They want this bill to pass because it will help them do their jobs to protect the members of their communities.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 60 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 665.

☐ 1312

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 665) to control crime by mandatory victim restitution, with Mr. RIGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, to explain this victims restitution bill, I yield such time as he may consume to the chairman of the full Committee on the Judiciary, the honorable gentleman from Illinois [Mr. HYDE].

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, the 1994 Omnibus Crime Control Act was not so omnibus. It did nothing for the victims of crime.

This bill remembers that crime has victims; this bill remembers that the victims for too long have been forgotten in the sentencing process; this bill remembers that the victims for too long have been without standing to address and advise sentencing judges of the economic harms visited upon them through the criminal actions of the offender.

This bill directs Federal judges to impose upon convicted defendants restitution orders to pay back their victims for the harm caused by virtue of their criminal activity. No longer will the defendant's financial situation take precedence over his victim's. Instead, consideration for the victim is a primary consideration in the sentencing process, just where it belongs. Today criminals know that crime pays. Now it will pay the victims. Defendants are financially responsible for physical, emotional, or monetary harm. Victims can be reimbursed for child care, transportation, and other reasonable expenses related to their participation in the prosecution of the offense.

The court under this legislation must consider the victim's financial circumstances when determining the manner and method of payment or restitution. The victim will be paid either a lump sum, in interval payments, or in kind. In-kind payments include return of the victim's property and replacement of the property or services rendered. The bill guarantees that the victim of criminal activity will not be overlooked at any point in the criminal justice proceedings.

Mr. Chairman, this is a restitution bill with teeth.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this may have been a bill that could have been a candidate for the Suspension Calendar, but I think it will move rapidly through the House under the procedure that now exists.

I rise in support of the Mandatory Victim Restitution Act of 1995. It is a good measure which has the broad support of Members on both sides of the aisle. In essence, the bill changes the current law which gives Federal judges the discretion to order restitution.

☐ 1320

Now under H.R. 665, judges would be compelled to order convicted offenders to pay restitution to their victims. It is clear to me that this provision draws upon the 1994 crime bill enacted into law which created a similar provision to enable women who had been victims of violence to recover damages from their attackers, another good measure that we all supported.

An innovative aspect of this legislation is the provision that restitution may also be ordered for any other person, that is, one who is not a victim, who has yet suffered physical, emotional, or monetary injury from the criminal act or conspiracy or pattern of unlawful activity.

For instance, in drug dealing and racketeering cases there are thousands of victims who now have a chance of meaningful economic recovery for the damages inflicted upon their communities. In neighborhoods where crack houses now spread destruction among young people and where businesses are afraid to operate, it is not enough to arrest of few low-level drug dealers who can easily be replaced.

Now, after a conviction, when the trial moves to the damages stage, all the victims will now be empowered to rise in unity against the hugely profitable drug dealers to seek restitution for their injuries.

But let us be candid: This provision should be a useful tool in white collar prosecutions as well. It is needed to combat environmental pollution by requiring corporate defendants who have been convicted of toxic discharges to pay homeowners whose property has been damaged or who have suffered emotional injury. It is needed to pay restitution to victims of price fixing or securities violations or for those who are victims of criminally negligent actions of manufacturers.

Of course, in many cases involving poor defendants, the chances of a victim recovering any restitution at all are about as good as getting blood from a turnip. In fact, only 18 percent of the current Federal defendants are under a restitution order, suggesting that this may be an impracticable idea in many ways.

However, given the broad possibilities of helping reduce fear in neighborhoods and holding corporate criminals accountable for their actions, I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to have introduced H.R. 665, the Victim Restitution Act of 1995, and to speak in favor of its passage today. It is very fitting that we begin our floor consideration of crime legislation in the 104th Congress with a bill about victims. Perhaps no group has been more forgotten in our criminal judicial process than the victims of crime. Too often they are denied justice, but even more they must endure their losses without compensation.

Under current law Federal judges are merely authorized to order offenders to make restitution to their victims. While the restitution may be ordered in addition to any other penalty if the crime is a felony, it can only be ordered in lieu of any other penalty if the crime is a misdemeanor. There is no provision for restitution to be paid to anyone other than the immediate victim of the crime.

Under H.R. 665, however, Federal judges would now be required to order criminals to make restitution to their victims. The bill also would give the court the discretion to order the offender to make restitution to persons other than the victim, but who have also been harmed by the offender's unlawful conduct.

Specifically, H.R. 665 would ensure that offenders make restitution to their victims by mandating that restitution be paid to victims of crime, in addition to any other penalty authorized by law. Judges would be able to substitute restitution for other penalties only in the case of misdemeanor crimes. The bill would also help to ensure that all persons harmed by an offender's unlawful conduct receive restitution by giving judges the discretion to award restitution to all persons harmed by the offender's conduct, regardless of whether that harm was physical, emotional, or financial.

The bill would ensure that restitution is paid in full by requiring that restitution orders be calculated without regard to the offender's ability to pay or the fact that the victim has received or is entitled to receive compensation from some other source. But the bill does allow the judge to consider the offender's finances and assets, projected earnings, and other financial obligations when deciding how to schedule the offender's payments of the restitution actually awarded.

The bill's provisions ensure fairness by limiting the victim to one recovery through a provision which requires that the restitution award be set off from any damages that the victim may recover against the offender in a civil action relating to the crime. The bill also provides that insurers which pay compensation to victims will be entitled to receive the restitution payments once the victim is made whole.

The bill's provisions have teeth, so that offenders will comply with restitution orders. The bill provides that if the offender fails to live up to the terms of the restitution order, the court may revoke any probation or supervised release granted to the offender, hold the offender in contempt of court, enter a restraining order or injunction, or take any other action necessary to force the offender to comply with the restitution order. The bill also allows the Government and the offender to enforce the order as a civil judgment in Federal court.

The bill ensures that judges will have maximum flexibility in awarding restitution. Under the bill, judges may award restitution in the form of money payments or in-kind restitution such as the return of property, replacement of property, or services to be rendered to the victim or even to a person or organization other than the victim. It also allows both victims and offenders to petition the court to modify the restitution order if the offender's economic circumstances change at a later date.

I might make sure at this point, Mr. Chairman, that everybody is clear that this bill covers not only violent crimes that most people think of when they think of crimes, but whatever white-collar crimes you might conceive of, including Federal crimes involving fraud. Mail fraud in particular, I would point out, would be covered by this. If some elderly person in my home State of Florida were to be defrauded in the process of some hooligan coming through with mail fraud or some other Federal fraud crime, that certainly is covered. It also would cover any kind of situation involving a securities fraud or securities scam or any other crime of a Federal nature involving a pecuniary loss to an individual as well as those kinds of crimes involving physical harm, as has been pointed out in this previous discussion.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to commend the chairman of the subcommittee for making that clarification, because we raised this briefly in the full committee, and also in my remarks. So we are talking about the fact that corporate defendants and white collar criminals would all be caught under this, as well as those who commit street crime.

Mr. MCCOLLUM. They will be caught under this bill. Restitution would apply to all types of Federal crimes as far as the injuries are concerned. It is very clear we are talking about pecuniary as well as injuries to the person.

Mr. CONYERS. Mr. Chairman, I commend the gentleman, and thank him for that further detailed explanation.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, I would also point out that as we look through this restitution provision, you will note that there are other victims who might be not considered normally a victim who are going to get some kind of compensation. For example, let us assume that you have a single mother, a single parent, who is going to come to court to testify against a criminal defendant. That person may not be the victim in the sense of having been the person who was harmed, but perhaps she witnessed the activity, and she has to leave her child with a child care sitter or somebody to care for that child and has to pay those costs.

Under this restitution bill, the court could order that the accused, who then becomes the convicted person once he is convicted of the crime, the judge could order him to pay restitution to this witness, the mother, who had to pay the child care fees and so on.

So it is a very broad restitution bill. It leaves a lot of discretion to the judge, but it mandates that he compensate, at least through the order of restitution, the actual victim of the crime.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY], who authored, I believe, the first one of these restitution proposals several years ago, and it is finally coming to fruition.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I want to first commend the Committee on the Judiciary for bringing this crime victims restitution bill to the floor today. It is not I think an accident that this is the first of several crime bills in which the new majority attempts to rewrite the crime bill of 1994. I applaud them for their efforts and for their foresight.

☐ 1330

Mr. Chairman, I obviously rise in support of H.R. 665, the Victim Restitution Act.

This has been a long time coming for this Member. Five years ago, in the 101st Congress, I introduced the first mandatory victims' restitution bill into the Congress. Then minority leader, Bob Michel, and I offered an amendment to the 1990 crime bill on the floor of the House, and with Bob Michel's strong support, we passed that crime victims' restitution bill on a voice vote.

Our good friend and colleague in the other body, Senator DON NICKLES from Oklahoma, introduced a similar bill that was passed in the Senate, so we had a crime victims' restitution bill that had passed in the House, in the 101st Congress, passed in the Senate, and then somehow disappeared from the conference committee report. Lo and behold, that was to set the pattern for crime victims' restitution bills during the last 5 years.

I think that is unfortunate, because this bill is essentially based on personal responsibility, saying to the bad guy, ''Look, not only do you have to

face jail and fines, but you also have to try to make that victim whole. That is, as a personal responsibility, you have violated not only the law of the land but you have violated some other individual or group of individuals and, therefore, you should have to be required to make that person whole.''

That is really what this provision is all about. So we fought and fought. Last year in the 1994 crime bill, same old stuff, introduced a bill, had 150 some cosponsors, bipartisan in nature. Went to the Committee on Rules and asked that the amendment be made in order. Guess what? The Committee on Rules, about midnight, essentially stiffed us one more time. We were not able to bring up crime victims' restitution, even though I had, again, the strong support of Bob Michel, and though he is no longer with us and has retired, I am sure that this is a proud day for him as we finally see this legislation on the floor and ultimately going to be enacted into law.

This bill holds support for victims. It holds an offender accountable for his actions and strengthens some of his personal responsibilities, something that we have too little of today, society. I am just excited about the prospects for this bill.

Let me say also to my friend from Florida, who has shown great leadership on this issue, that all of the crime victims' restitution organizations, the crime victims' groups that are all over the country, and I know he has some in his district, I have got some in my district, all of them for numerous years, at least 5 years since I have been involved in this project, have strongly endorsed mandatory crime victims' restitution. I think we owe it to those folks who have worked long and hard for this day to pass this legislation. I commend it to my colleagues.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Victim Restitution Act of 1995. Let me add that none of us clearly can imagine or walk in the shoes, the footsteps, in the footprints of victims.

Clearly I believe that what we have done in a really bipartisan manner is to be able to say to the more than 36 million victims in this Nation that this House will stand with you. Many times victims have approached some of the systems that have been put together by States which in good faith have offered victims restitution. They have not been mandatory. They have not been required. Some victims have been confused as to how they access this compensation.

It is also important to note, as I stand here, that coming from the 18th congressional district in the State of Texas, that importantly victims come in all shapes and sizes, all races, male and female, children, families. We come now under this particular act to be able to say to these individuals that ''we will now stand for you and with you. Restitution is not only offered but it is required. And we will not treat you like another litigant in the courtroom, asking you to show what other compensation you have received. But we will say to you that regardless of insurance and other sources, it is important for the person who did the crime, and was convicted to show the victim the deference and the respect of restitution for the emotional, financial and other kinds of loss that you have received.''

I think that we are truly going in the right direction. This legislation gives the court the discretion to provide restitution to someone who is not just the crime victim, who in some manner has been harmed physically, emotionally, or financially by the criminal's acts. That speaks to some very tragic situations that have occurred in my district in Texas, where a grandmother now is taking care of the children of her deceased daughter, a loving daughter who stood by her children, who simply was going to the grocery store in order to provide them with the necessities of life and never, never came home.

Now we have that grandmother who is left to care and love and nurture those children. Oh, she does it in good spirit and love. She does it with enthusiasm. But yet she does it with great need, need for support, need for restitution from that particular criminal or that person who was the offender.

I think we are starting in the right place. And I think the place where we are starting is a bipartisan place, which offers to the American people a commitment to the victims of crime.

We should go further, of course, as we proceed with this bill. We certainly should look at prevention. We should look at expanded cops on the streets. All of those are parts of the aspects of making sure that we face crime in an intelligent manner, but a compassionate manner.

Mr. Chairman, I rise to support the Victim Restitution Act of 1995, because I know the victims in my community. I know the police in my community who have come to me to share in these many stories. As a lawyer, I have seen individuals, as victims, who have had various situations that have required assistance.

So I simply say that it is important that we stand for the victims and support the Victim Restitution Act of 1995.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the distinguished ranking member of the Subcommittee on Crime, of the Committee on the Judiciary, and the former chairman that subcommittee.

□ 1340

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS], not only for the time but for his leadership on this important issue.

Mr. Chairman, I would like to make three points. The last one will be about the bill. I would like to talk about two other things first.

First is the timing of the whole six crime bills. I would say to my colleagues—and the gentleman from Florida [Mr. MCCOLLUM], who in all the years I have worked with him, including his brief tenure as chairman of the Subcommittee on Crime of the Committee on the Judiciary, he has been very fair—that today we only have one or possibly two bills on the floor.

I know that the majority leader and others are saying we have to meet certain deadlines on the crime bill and on the contract. There is a great deal to debate on the last three bills, the exclusionary rule, the prisons bill, and the police prevention bill.

What we had urged, Mr. Chairman, through our leadership, and I know they met with the Speaker this morning and late last week, was that we hurry up, we do these bills together, and give us more time Thursday, Friday, Monday, and Tuesday for exclusionary rule, prisons, and prevention. To just do this restitution bill, which is not controversial in the least and has broad bipartisan support, and then not do anything else today, and then rush us in on Monday and Tuesday to do both habeas and prevention would not make much sense.

I would just make that point: Mr. Chairman, let us use that time today.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from New York.

Mr. MCCOLLUM. Mr. Chairman, the gentleman may not be aware, but when this restitution bill is finished, and I do not believe it is going to take much time, we are going to move right into the exclusionary rule bill. We should complete that today.

In addition to that, as the gentleman may be aware from discussions yesterday, there are ongoing discussions with the ranking member of the gentleman's full committee in an effort to bring up some of these bills earlier, which we are more than happy to do if we can waive some of the technicalities involved in it.

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, I think that is a very worthwhile thing, to do the exclusionary rule today. That makes a good deal of sense. That was the main urgency I had. I would not have wanted to adjourn at 3 o'clock and be told we did not have time to debate.

The second point I would make is on a different point. It is on the general crime bills themselves; that is, what the American people want is this: They want us to do something real about crime.

They knew that we did something real last year. The tough on punishment, smart on prevention, hundred thousand cops formula had broad and wide public support from one end of America to the other. There may have been minor imperfections in those bills, most of which were cleared up by the time the bill reached the President's desk, but the basic concept was there.

Mr. Chairman, I am virtually certain—I have seen polling data, I have talked to people in law enforcement and everywhere else—that the American people do not want to rip up that bill and start all over. They certainly do not want to just make a few quick and rather cheap political points to say, ''We had a better one than you had.'' They want us to work together on crime.

This bill, Mr. Chairman, that we are talking about is just what it is all about. If the new majority wants to build on our old crime bill, fine. Everything can be improved. That is what is happening in restitution. The very restitution measures that were in the Violence Against Women Act, this bill expands to all other victims. Good idea. It does not destroy what we did before; it builds on it.

However, I must say much of the rest of the bill, particularly on the police and the prevention side, as well as on the prisons, goes back. To rip up those bills and start all over does not make any sense to anyone in America, and it seems to me that we are making a big mistake.

Therefore, I would use this bill, the restitution bill, as a model of what we should do, working together, building on what was done last year, which was at least in the field of crime, quite epochal. It was the first time the Federal Government got involved.

However, we should not destroy for the sake of destroying, destroy for the sake of saying, ''See, we did it better.'' It is almost like little kids in the schoolyard going, ''Nyaa, nyaa, nyaa, nyaa, our bill is better than yours, and we are doing a new one.'' That does not make any sense. I would urge my colleagues on both sides of the aisle to do that.

Mr. Chairman, my third point is on the substance of this bill itself. This is a good bill. Members will not find much argument from many people on this side about that. It restores restitution to people who deserve it from those who have committed crimes. As I said, it builds on what we did in the Violence Against Women Act last year.

We are all for it. We do not expect a lot of debate. The gentleman from Vermont [Mr. SANDERS] has a couple of amendments. Other than that, we will move through it quickly.

I want to compliment the majority for coming up with this proposal. It is a good idea and I fully endorse it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a distinguished member of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCOTT. Mr. Chairman, this bill will streamline the procedure by which victims can get restitution. Victims already have the right to sue and could go into civil court, but since everybody is right here in court to begin with, they can get the restitution that they deserve.

There is one problem. It does not provide extra money for the judges and the probation officers for the extra work they will do. However, on the whole, it will allow victims to get more justice while they are in court.

However, Mr. Chairman, I would believe that victims would appreciate more of a focus on preventing the crimes to begin with than what to do after they have been victimized. This bill focuses on what happens after the people have already been victimized. We are, in other crime bills, taking money away from prevention and police officers that could have prevented their crime to begin with.

Hopefully, Mr. Chairman, we will restore some of that money to crime prevention and community police officers. In the meanwhile, I guess we have to deal with the fact that victims will be out there victimized because we did not have the foresight to prevent the crimes before they occurred.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

(Mr. GEKAS asked was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Chairman, when I first came to Congress, I had come from a State which had paid a great deal of attention to the rights of victims, and like many other States, had established crime victims compensation commissions and boards, with ample appropriations to cover some of the damages suffered by crime victims which could not have been recovered in court.

When I came to the Congress, President Reagan and President Bush and now President Clinton all paid their respects to victims of crimes in various ways, including Rose Garden ceremonies with anecdotes of heroic incidents involving victims of crimes, and the families of victims gathered for the proper respect that the public should have and the President did in each case pay to the victims of crime.

However, today, we elevate our consciousness and the awareness of the public to a new level of respect for the victims when we include, as we do in this bill, a feature of mandatory consideration by the judges of the most important aspect of crime victims; namely, restitution, to try to restore them to the position that they were in before the dastardly crime had occurred.

Therefore, Mr. Chairman, when we act today, what we are doing is sending a signal once and for all that the victims of crime who have for too long become a secondary feature in a criminal case in court now become equal to the juries and to the judge and to the citizens who are witnesses, and to their families, when we accord them the ultimate satisfaction and the ultimate sense of justice when we make sure that restitution is ordered on their behalf against the very individual who caused the damages in the first place.

Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, on the old television show ''Baretta'', the detective used to say, ''Do the crime, do the time.''

Today we are telling the criminals they will owe more than time.

Crime is not restricted to large cities. Even in my district that includes many rural areas, threats to personal safety are a top concern.

Crime is not restricted to certain age or income categories but the sad fact is that the problem is even more severe among minorities and the poor.

Most alarming of all are the statistics regarding women and crime. A rape occurs every 5 minutes in our country and an aggravated assault every 29 seconds.

Last year, Congress passed a bill that spent billions of dollars on criminals. This year we are going to pass a bill that makes the criminals pay.

Today we are considering an important bill that does more than give criminals time, if forces them to pay their victims for what is really irreputable harm.

For too long, crime bills have been about criminals. Now, we are recognizing that crime is about the victims.

Mr. Chairman, this is an important bill. This is a bill we should pass today. I urge my colleagues to join me and vote for this measure.

□ 1350

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. Mr. Chairman, I thank the minority leader on this committee for yielding time to me.

I am not going to jump up and down about this bill, either for it or against it. I will probably vote for it, but I do think that we need to point out some things to the American people about this bill and some concerns that I have.

No. 1, there is a provision in this bill that talks about when a person is on probation or parole and is not able to meet the restitution schedule, that probation or parole can be revoked, and I think that gets us dangerously close to being back to the point of the old

debtors prison, and I want the American people to be aware that that provision exists in the bill.

There is a process for going back into the court and getting the restitution order revised, but I think that process is going to be very, very difficult. So it causes me some concern.

The second point I want to raise is the matter of due process under this bill. There is really no detailed way drawn out in the bill for due process to be given to the defendant in this case. The probation officer goes out and finds certain information, brings it back to the court, there is no process for a hearing at the initial level to decide whether the restitution is just or how much restitution will be awarded, and there are some concerns that I have about that.

I simply thought that it behooved me to stand up and say that despite the fact that this bill generally moves in a good direction, there are some concerns. Those concerns were not addressed in committee because of the pace with which this bill was being moved, and I thought it would be remiss of me not to point out those concerns to the American public.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself so much time as I may consume to close the debate.

I simply want to point out the fact that as we move through this process, we are beginning to bring to the floor six bills that comprised the Contract With America crime legislation that the Republicans, when we took over as the majority in the House of Representatives, committed to bring out in the first 100 days.

There are six separate bills, but in the proposals we put forward, we did it in one complete crime process.

The second piece of legislation that will come out later today deals with the evidence rules in search and seizure cases to open up more avenues for the officers of our criminal justice system to get convictions.

The next bill that we have will deal with prison grants and prison construction in an effort to provide a better scheme in order to resolve the issue of what we think is most important, and that is, requiring those who have committed repeat violent felonies to serve at least 85 percent of their sentences.

Another bill that will be out here very shortly deals with expediting the process of deporting criminal aliens. Those are aliens who have committed crimes in this country and are sitting in our jails taking up jail space and oftentimes actually are released and go out into the public and get lost again to commit more crimes before they are deported.

Another bill that we are going to be bringing forward very shortly deals with the process of the issue of how we speed up carrying out death sentences in death row cases to try to end the seemingly endless appeals of death row inmates.

And the last of this series of six deals with the issue of the block grant programs that we think should be used in place of cops on the streets and the prevention programs that were passed in last year's crime bill.

The gentleman from New York referred to this latter bill when he said that he was perfectly happy with the restitution bill that we have out here today, but he did not really think we ought to be tinkering around the edges with what was done already.

I would suggest to him and to all others who may be observing this proceeding today of our Members here, that we are not going to be tinkering with that. We are going to be making a major overhaul when we get to it. We are going to be taking virtually all the grant programs that were proposed last year in the prevention area and the cops-on-the-street program which constituted together a combined amount of almost $16 billion and we are going to be putting these together in community block grants to the cities and to the counties of this country with the highest crime rates, according to those rates and their population. We are going to be giving them this money in the amount of about $10 billion in order that they may, in their pure exercise of their judgment, decide what is in the best interest of their communities in fighting crime, whether that be hiring a new police officer, paying overtime pay to existing police, or doing some prevention program, gosh knows what it may be. But it will be their decision. We will allow maximum flexibility to the local communities instead of having Washington dictate it.

I would just suggest that when we finish the six bills out here, including the one that the gentleman from New York referred to, we will have at that point in time actually made some very major revisions in the laws. We are not going to be tinkering with what was done last year. We are going to be making major revisions and we are going to be putting forth a general principle that Republicans believed at the time of that debate was important.

Mr. Chairman, I am not here to debate those bills, I am here to close the debate, but I felt because of the comments that were made I needed to explain that.

I close the debate on this restitution bill. It is not controversial. We do need to provide adequate restitution to those who are victims of crime. The bill before us today, H.R. 665, does that. It does go a long way to making victims whole again and making sure that those who have committed their crimes, be they violent crimes or be they white-collar crimes, pay not only in the sense of paying by punishment but paying in literal dollars and cents to those who are their victims and the other people whom they have cost in some way through their crimes compensation that will at least in some small measure provide relief to those individuals who are the victims and others who have been harmed by this process.

It is a good bill and I urge the adoption of the bill today.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, if you would have noticed, our colleague from North Carolina raised a very sensitive point that troubles me and I would just like the gentleman to agree that we really need to look very carefully into the matter of someone on parole or probation who is brought back into the system for not meeting his restitution order, the suspicion being that he might be unemployed or unable to pay and that there ought to be some procedure that makes sure that we have not created a mini debtors prison in the process.

Mr. MCCOLLUM. If I could reclaim my time, Mr. Chairman, the court has the discretion, I might point out to the gentleman from Michigan, to make sure that he can change or modify the particular order of restitution at any time if the economic circumstances of the offender have changed, so that I do not believe the difficulty the gentleman from North Carolina raised is really present. I understand his concern. But we say here in one of the provisions of the bill, ''A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''

I really believe that that will remedy the problem that the gentleman is concerned about.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, the trouble I have with that provision, and that provision is fine and it contemplates a situation where the economic conditions of a defendant have changed and there is the time to do that, but I am not sure under this bill what court the defendant has the right to go back in front of immediately, before his probation is revoked, before his parole is revoked. There seems to be a disjoint between the process for raising that issue and the process of revocation of the parole and probation. That is the trouble I have with it.

Mr. MCCOLLUM. If I may reclaim my time, the revoking of probation when restitution is not paid is discretionary with the court. The word is ''may.'' So presumably the court that is going to be revoking it is going to be the court that indeed handed out the restitution in the first place.

But I would submit to the gentleman that you could have different judges in the same court. We have that in many

civil proceedings as well as criminal proceedings today in our courtrooms where for one reason or another, maybe a judge retires, maybe a judge is ill, maybe a particular judge is not there and he delegates it to a different one. But it is the same court.

I would submit to the gentleman that I would share his concern, but I really believe the language is very broad and I do not think his fears will come to any real truth is reality.

Nonetheless, I suppose we could always come back and address it. The gentleman would have a right, if he could find a better way of doing it in the amendment process, to deal with it in the amendments that we are about to offer.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 665, the Victim Restitution Act. This legislation represents title III of the Taking Back Our Streets Act, one of the 10 points of the Republican Contract With America, and begins our efforts here in the House to address our Nation's crime problem.

The bill before us today embodies one of the most fundamental tenants of our Nation's justice system—that criminals pay for the consequences of their crimes. H.R. 665 mandates that those convicted of a Federal crime provide full restitution to their victims for damages caused as a result of the crime. The court may determine the amount of restitution based on the victim's situation and regardless of the economic resources of the criminal.

Mr. Speaker, our Nation faces a crime problem of epidemic proportion. Each year, one in four U.S. households fall victim to violent or property crime. That translates into nearly 5 million victims of murder, rape, robbery, and assault, and 19 million victims of arson, theft, and burglary. According to the Department of Justice, in the past two decades more than 36 million people in the United States were injured as a result of violent crime.

In addition to the physical and emotional costs of these crimes there are substantial economic costs as well. In fact, in 1991 alone, crime against people and households cost an estimated $19 billion. Each year crime-related injuries force Americans to spend 700,000 days in the hospital. Today's legislation will help the victims of these crimes recoup the costs of these recoveries, and I strongly support its passage.

Mr. LAZIO. Mr. Chairman, every day, career criminals exact an untold cost on American societal and cultural life. When the perpetrator of a crime commits his illegal act, be it an environmental crime, a white collar crime, or a crime of violence, the effect on the victims goes far beyond what the newspaper headlines tell. If the person responsible for injuring the victims goes to prison, he may pay his debt to society. But the victims of the crime are not made whole. There are physical, emotional, and financial costs that are not compensated unless that person brings a civil suit, a long and unpredictable process. Sadly, these individuals are often not paid any monetary restitution for their loss.

Imagine this on a larger scale. Imagine this occurring in towns and cities across our Nation, all those victims of crimes whose lives have been dramatically disrupted by individual crimes. We as a society suffer. Indirectly we all pay these costs of crime in our Nation. "No [person] is an island * * * every [person] is a piece of the continent."

Presently, Federal courts have discretion to order restitution be paid to victims by offenders. Why not make this a requirement? This is not a radical notion. Although a small step, this measure will ensure that to some extent, there will be compensation for those victimized by Federal crimes. Steps will be taken to make those affected by crime whole again. This bill also prohibits double-dipping, so injured parties will not receive undue compensation. Passing this bill is the least we can do here in Congress to help repair the damage done to peoples' lives by this epidemic of crime.

Mrs. FOWLER. Mr. Chairman, I rise in support of the Victim Restitution Act.

H.R. 665 addresses a fundamental question of fairness. Should victims have to suffer the burden of damages caused by criminals, or should be criminals compensate the victims of their crimes? I believe we must send a clear message that those who commit crimes will not only have to pay their debt to society, but also to those they have wronged.

In Jacksonville, there are two facilities that offer assistance to victims: Hubbard House, which provides a full range of services to victims to domestic violence, and the Victims' Service Center, which provides services to victims of all types of crime. Both facilities are funded by private donations, businesses, and the city of Jacksonville.

I mention these programs because they are excellent examples of local government and business responding to the needs of crime victims. However, these kinds of initiatives are not enough—and it is time for Congress to join the fight and pass H.R. 665.

□ 1400

Mr. MCCOLLUM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Victim Restitution Act of 1995''.

SEC. 2. MANDATORY RESTITUTION AND OTHER PROVISIONS.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law'' and inserting ''shall order''; and

(ii) by adding at the end the following: ''The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.'';

(B) by adding at the end the following:

''(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(B) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and'';

(5) in subsection (c) by striking ''If the court decides to order restitution under this section, the'' and inserting ''The'';

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

''(B) projected earnings and other income of the offender; and

''(C) any financial obligations of the offender, including obligations to dependents.

''(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender.

''(4) An in-kind payment described in paragraph (3) may be in the form of—

''(A) return of property;

''(B) replacement of property; or

''(C) services rendered to the victim or to a person or organization other than the victim.

''(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

''(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restriction order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

''(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, the amendment numbered 1, printed in the February 6 CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 4, line 24, after the period insert ''A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution.''

Mr. SANDERS. Mr. Chairman, this amendment is being offered by myself and members of the Progressive Caucus and I believe should not be controversial. In fact, I believe that it is consistent with the intent of the proposed legislation.

Mr. Chairman, there is no argument about the need for restitution for violent crimes, and I believe that the intent of this legislation is to cover white collar and corporate crime as well. The gentleman from Florida [Mr. MCCOLLUM] has made that quite clear. The amendment that I am offering simply requires that companies convicted of crimes must notify the victims of those crimes. Convicted companies should be required to notify as best as possible all of their victims.

Let me give an example if I might. Price fixing goes on in America and I think there is no debate about it. We have had circumstances where companies that deliver oil, heating fuel to people's homes are convicted of price fixing, they are charging their customers too much money. It seems to me to be appropriate that if that company is convicted of price fixing, all of the victims, people who have paid more money than they should have, should be notified of that conviction and then again do as they choose to do. And that essentially is what this amendment is about.

I have talked to the majority and I believe that they are not in disagreement with the intent of this amendment.

I yield to the gentleman for a response.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, will the gentleman please repeat the question?

Mr. SANDERS. I was suggesting that we had talked about this issue and that the gentleman is not in disagreement with the intent of the amendment.

Mr. McCOLLUM. The gentleman is quite correct, I am not in disagreement, though I would suggest that we might be able to modify the gentleman's amendment to make it more palatable, because I think there is a question about how an offender would know under the broad language the gentleman has who all his victims are.

MODIFICATION OFFERED BY MR. MCCOLLUM TO THE AMENDMENT OFFERED BY MR. SANDERS

Mr. McCOLLUM. Mr. Chairman, I would like at the appropriate time, if now is the appropriate time, to ask unanimous consent to modify the gentleman's amendment to add at the end of the words, ''and where the identity of such victims and other persons can be reasonably determined.''

If the gentleman would concur in that, I ask unanimous consent, Mr. Chairman, that modification be made to this amendment.

Mr. SANDERS. I would concur, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, let me just raise the issue of whether that same shortcoming does not exist under the other language in the bill, that there is a lot to be desired in this bill on the issue of identifying who has been injured and who is entitled to have restitution made to them.

If we are going to address it with respect to corporate defendants, it seems to me that we ought also to be making that language broad enough to cover others.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield on his own reservation?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. In the case of the victims being determined in the normal course of this, the burden is on the prosecutors in the case to bring forth the evidence and present it to the court. In the case of the Sanders amendment, it is requiring a burden on the offender to determine who his victims are and in some cases that will be very simple. But there is no prosecutor involved here. This is after the fact, he has to notify them after the fact. So the court is not in the process at that juncture, the government is not in the process, and it is all left up to the individual. That is the reason why I believe it is appropriate to give some caveat of reasonableness here so that this person, whoever it may be, is not being asked to do the impossible. Whereas in a case again of the major part of this, if the government cannot show what it is supposed to show, nobody is going to be harmed, and there is no burden on any individual.

Mr. WATT of North Carolina. Further reserving the right to object, and I will not object if the sponsor of the amendment is satisfied, but it seems to me I cannot understand why we are putting corporate defendants in some separate section of the bill as opposed to putting them in with all of the other defendants.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. It is my understanding also they were being put in the bill someplace different from all other defendants.

Mr. MCCOLLUM. If the gentleman will yield, we are not. The gentleman from Vermont's proposal applies equally to noncorporate defendants as to corporate. He simply is providing, as I read it, a very broad interpretation. I think his intent is primarily to get at the corporate, but he actually gets at everybody in this case.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I think it is my time to begin with.

The CHAIRMAN. The gentleman from North Carolina controls the time now on his reservation.

Mr. WATT of North Carolina. I am reserving the right to object, and I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

My concern here is to make sure that in what would most likely be a corporate crime, multiple victims are notified. When somebody stabs somebody we know what is going on. If somebody rips off hundreds of people, it is very likely those hundreds of people will not know that they have been ripped off, will not be notified of that, will not have the opportunity to seek redress and that is the purpose of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from Vermont [Mr. SANDERS] desire his amendment be modified as proposed by the gentleman from Florida?

Mr. SANDERS. I do, Mr. Chairman.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. MCCOLLUM to the amendment offered by Mr. SANDERS: At the end include ''and where the identity of such victims and other persons can be reasonably determined.''

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. SANDERS, as modified: Page 4, line 24, after the period insert ''A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution and where the identity of such victim and other persons can be reasonably determined.''.

Mr. SANDERS. Mr. Chairman, I have nothing more to add to the discussion, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to make it clear that on our side we strongly support the amendment of the gentleman from Vermont and commend the chairman of the majority for accepting a commonsense provision that would make victims of corporate activity able to be notified of their right to appear in court and to state their claims for restitution. I am proud to join in support of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman—it was not long ago when we could go out in the streets and to the parks of our neighborhood and feel perfectly safe. Sadly, that is no longer the case. Now, it is virtually impossible for a day to go by without a headline detailing the newest criminal outrage.

It is time that criminals understand their behavior will not be tolerated. Punishment must be certain, swift, and severe. Until they fear the consequences of being caught, we do not have a chance to win the war on crime.

H.R. 665 the Victim Restitution Act, goes a long way in achieving this goal. It instructs Federal courts to award restitution to crime victims and allows those courts to order restitution to other people harmed by the criminal's unlawful conduct. Criminals who commit Federal crimes now know they will literally pay a price for their actions. Presently, such restitution is permitted, but not required.

I am especially supportive of this measure because victim restitution is widely considered one of the most effective weapons to help fight violence against women. By requiring full financial restitution, this act required the offender to directly face the harm suffered by his victim by his unlawful actions.

It also strives to provide crime victims with some means of recouping the personal and financial losses resulting from these terrible acts of violence.

I urge my colleagues to support H.R. 665.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS], as modified.

The amendment, as modified, was agreed to.

☐ 1410

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. VUCANOVICH) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 665) to control crime by mandatory victim restitution, pursuant to House Resolution 60, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 431, nays, 0, not voting 3, as follows:

[Roll No. 97]

YEAS—431

Abercrombie	Cremeans	Hansen
Ackerman	Cubin	Harman
Allard	Cunningham	Hastert
Andrews	Danner	Hastings (FL)
Archer	Davis	Hastings (WA)
Armey	de la Garza	Hayes
Bachus	Deal	Hayworth
Baesler	DeFazio	Hefley
Baker (CA)	DeLauro	Hefner
Baker (LA)	DeLay	Heineman
Baldacci	Dellums	Herger
Ballenger	Deutsch	Hilleary
Barcia	Diaz-Balart	Hilliard
Barr	Dickey	Hinchey
Barrett (NE)	Dicks	Hobson
Barrett (WI)	Dingell	Hoekstra
Bartlett	Dixon	Hoke
Barton	Doggett	Holden
Bass	Dooley	Horn
Bateman	Doolittle	Hostettler
Becerra	Dornan	Houghton
Beilenson	Doyle	Hoyer
Bentsen	Dreier	Hunter
Bereuter	Duncan	Hutchinson
Berman	Dunn	Hyde
Bevill	Durbin	Inglis
Bilbray	Edwards	Istook
Bilirakis	Ehlers	Jackson-Lee
Bishop	Ehrlich	Jacobs
Bliley	Emerson	Jefferson
Blute	Engel	Johnson (CT)
Boehlert	English	Johnson (SD)
Boehner	Ensign	Johnson, E. B.
Bonilla	Eshoo	Johnson, Sam
Bonior	Evans	Johnston
Bono	Everett	Jones
Borski	Ewing	Kanjorski
Boucher	Farr	Kaptur
Brewster	Fattah	Kasich
Browder	Fawell	Kelly
Brown (CA)	Fazio	Kennedy (MA)
Brown (FL)	Fields (LA)	Kennedy (RI)
Brown (OH)	Fields (TX)	Kennelly
Brownback	Filner	Kildee
Bryant (TN)	Flake	Kim
Bryant (TX)	Flanagan	King
Bunn	Foglietta	Kingston
Bunning	Foley	Kleczka
Burr	Forbes	Klink
Burton	Ford	Klug
Buyer	Fowler	Knollenberg
Callahan	Fox	Kolbe
Calvert	Frank (MA)	LaFalce
Camp	Franks (CT)	LaHood
Canady	Franks (NJ)	Lantos
Cardin	Frelinghuysen	Largent
Castle	Frisa	Latham
Chabot	Funderburk	LaTourette
Chambliss	Furse	Laughlin
Chapman	Gallegly	Lazio
Chenoweth	Ganske	Leach
Christensen	Gejdenson	Levin
Chrysler	Gekas	Lewis (CA)
Clay	Gephardt	Lewis (GA)
Clayton	Geren	Lewis (KY)
Clement	Gibbons	Lightfoot
Clinger	Gilchrest	Lincoln
Clyburn	Gillmor	Linder
Coble	Gilman	Lipinski
Coburn	Gonzalez	Livingston
Coleman	Goodlatte	LoBiondo
Collins (GA)	Goodling	Lofgren
Collins (IL)	Gordon	Longley
Collins (MI)	Goss	Lowey
Combest	Graham	Lucas
Condit	Green	Luther
Conyers	Greenwood	Maloney
Cooley	Gunderson	Manton
Costello	Gutierrez	Manzullo
Cox	Gutknecht	Markey
Coyne	Hall (OH)	Martinez
Cramer	Hall (TX)	Martini
Crane	Hamilton	Mascara
Crapo	Hancock	Matsui
McCarthy	Pombo	Spratt
McCollum	Pomeroy	Stark
McCrery	Porter	Stearns
McDade	Portman	Stenholm
McDermott	Poshard	Stockman
McHale	Pryce	Stokes
McHugh	Quillen	Studds
McInnis	Quinn	Stump
McIntosh	Radanovich	Stupak
McKeon	Rahall	Talent
McKinney	Ramstad	Tanner
McNulty	Rangel	Tate
Meehan	Reed	Tauzin
Meek	Regula	Taylor (MS)
Menendez	Reynolds	Taylor (NC)
Metcalf	Richardson	Tejeda
Meyers	Riggs	Thomas
Mfume	Rivers	Thompson
Mica	Roberts	Thornberry
Miller (CA)	Roemer	Thornton
Miller (FL)	Rogers	Thurman
Mineta	Rohrabacher	Tiahrt
Minge	Ros-Lehtinen	Torkildsen
Mink	Rose	Torres
Moakley	Roth	Torricelli
Molinari	Roukema	Towns
Mollohan	Roybal-Allard	Traficant
Montgomery	Royce	Tucker
Moorhead	Rush	Upton
Moran	Sabo	Velazquez
Morella	Salmon	Vento
Murtha	Sanders	Visclosky
Myers	Sanford	Volkmer
Myrick	Sawyer	Vucanovich
Nadler	Saxton	Waldholtz
Neal	Scarborough	Walker
Nethercutt	Schaefer	Walsh
Neumann	Schiff	Wamp
Ney	Schroeder	Ward
Norwood	Schumer	Waters
Nussle	Scott	Watt (NC)
Oberstar	Seastrand	Watts (OK)
Obey	Sensenbrenner	Waxman
Olver	Serrano	Weldon (FL)
Ortiz	Shadegg	Weldon (PA)
Orton	Shaw	Weller
Owens	Shays	White
Oxley	Shuster	Whitfield
Packard	Sisisky	Wicker
Pallone	Skaggs	Williams
Parker	Skeen	Wise
Pastor	Skelton	Wolf
Paxon	Slaughter	Woolsey
Payne (NJ)	Smith (MI)	Wyden
Payne (VA)	Smith (NJ)	Wynn
Pelosi	Smith (TX)	Young (AK)
Peterson (FL)	Smith (WA)	Young (FL)
Peterson (MN)	Solomon	Zeliff
Petri	Souder	Zimmer
Pickett	Spence	

NOT VOTING—3

Frost	Wilson	Yates

☐ 1432

Mr. BURR changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXCLUSIONARY RULE REFORM ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 61 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 61

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 666) to control crime by exclusionary rule reform. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 61 is an open rule providing for the consideration of H.R. 666, legislation to control crime by means of reforming the exclusionary rule.

This rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Judiciary Committee, after which time any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit, with or without instructions.

As with the rule for H.R. 665, which we recently debated, this rule also includes a provision allowing the Chairman of the Committee of the Whole to give priority in recognition to Members who have printed their amendments in the CONGRESSIONAL RECORD prior to their consideration.

I feel that this option of pre-printing is a common courtesy that enables Members to see what amendments their colleagues may be offering. Any Member's amendment, pre-printed or not, will still have the opportunity to be offered and heard on its merits.

Mr. Speaker, the fourth amendment to the Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated * * *

The Founding Fathers did not provide that law enforcement officers could not rely on their common sense and reasonable judgment to fight crime. But, that is what has happened

unfortunately in our society. Something is profoundly wrong when, in a State where 2 license plates on automobiles are required, a policeman stops a car with only one plate, finds 240 pounds of cocaine in the car, and the evidence is thrown out—excluded under the ''exclusionary rule''—because the judge says that the car was registered in a State that only issues one license plate. Who gets hurt when that drug dealer walks? The police officer? No, the children of that community, the people, society gets hurt.

In 1984, in United States versus Leon, the Supreme Court created the good faith exception to the exclusionary rule. In Leon, the Court held that even if a search warrant was ultimately held to be invalid, the evidence gathered by police using that warrant could be permitted at trial, so long as the prosecution could demonstrate that the police believed, in good faith, at the time of the search, that the warrant was valid. The Court stated that since the exclusionary rule had been created to deter law enforcement officials from violating the fourth amendment, excluding evidence gathered by those who believed in good faith that they were acting in accordance with the Constitution served no legitimate purpose.

H.R. 666 would limit the effect of the exclusionary rule, and give Federal judges more latitude to admit evidence seized from those accused of crimes, so long as the search and seizure in question took place under circumstances providing the law enforcement officer conducting the search with an objectively reasonable belief that his actions were in fact lawful and constitutional. Moreover, H.R. 666 establishes a shift in the burden of proof. If a search is conducted within the scope of a warrant, the defendant will have the burden of providing that the law enforcement officer could not have reasonably believed that he was acting in conformity with the fourth amendment.

H.R. 666 builds upon Leon by codifying its holding. A Federal judge may still suppress evidence if it was seized in knowing or negligent violation of the Constitution.

Evidence gathered in violation of any statute, administrative rule or regulation, or rule of procedure would be admissible unless a statute specifically authorizes exclusion of evidence. But, the good faith exception would apply and may render such evidence usable.

Mr. Speaker, I strongly support the Exclusionary Rule Reform Act of 1995 and urge adoption of this open rule for its consideration.

□ 1440

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I appreciate my colleague's, the gentleman from Florida [Mr. DIAZ-BALART], yielding the customary 30 minutes of debate time to me, and I yield myself such time as I may consume.

House Resolution 61, the provisions of which the gentleman from Florida has well explained, is an open rule. I support it, and I urge my colleagues to do the same.

I am, However, as are others, concerned about the wisdom of the provisions of H.R. 666, the bill for which this rule has been granted. As my colleagues on the Judiciary Committee have written, H.R. 666 ''commits affirmative harm to the Constitution.''

It breaks our Constitution's promise, as expressed in the fourth amendment, and which has been maintained for over 200 years, that all Americans have the right to be protected from arbitrary and unfounded governmental invasions of their homes.

The protections of the fourth amendment have been enforced through the exclusionary rule, which prohibits prosecutors from using evidence in criminal cases that has been obtained in violation of the constitutional guarantee against unreasonable searches and seizures.

We should not only question the provisions of H.R. 666 which allow the use of evidence obtained without a warrant as going beyond permissible police search and seizure powers, but we must also question whether Congress has the power to change the exclusionary rule by simple legislation rather than by a constitutional amendment. Along with many of my colleagues, Mr. Speaker, I am confident that the constitutionality of H.R. 666 will be challenged and, I suspect, successfully.

We have to be particularly careful when we deal with an issue as highly charged and emotional as crime to legislate with as much thoughtfulness and as much care as possible. That is especially true in cases such as this when changing the law necessarily raises questions of abridging constitutional protections that were adopted with good cause to protect the innocent.

I fear that in our desire to prove to our constituents that we are not soft on crime we have forgotten that certain procedures such as the exclusionary rule were instituted to protect the innocent—in this case, those who may be subjected to illegal searches and seizures.

Because of these very serious problems with the provisions of H.R. 666, I am pleased, as are Members on our side, that the majority on the Committee on Rules has recommended this open rule.

Mr. Speaker, to repeat, while I have strong and serious reservations about H.R. 666, and even about our considering it as written, I support the rule and urge my colleagues to do the same.

Mr. Speaker, we have no requests for time, and I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to my good friend and colleague from the Committee on Rules, the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from Florida for yielding time to me so I may have the opportunity to address the floor for a couple of minutes.

First of all, I think it is appropriate once again to address the fact that this is going to be a very controversial bill. We are going to have some very interesting debate on both sides of the aisle, and I think it should be highlighted that the chairman of the Rules Committee chose that an open rule would be appropriate.

In the last couple of weeks I have heard some comments about ''Gee, we see the open rule really when it is a noncontroversial bill.'' Well, today is a good example of when we have a controversial bill and we see an open rule through the Speaker of the House and through the chairman of the Rules Committee. I think that fact should be noted.

Let us talk about the substance of the bill. Obviously, the substance of the exclusionary rule, I think, has merit and will prove to be constitutional in a court of law. Every time we pass some kind of criminal statute in these chambers they are always challenged on a constitutional basis. A defense lawyer's job is to challenge it in any way he can. But I am confident that the constitutionality of the good faith exception to the exclusionary rule will be upheld.

What is the exclusionary rule? We have a lot of people today, perhaps some who are observing this action, who do not understand what we mean by an exclusionary rule. Very simply, let me explain it in this way:

I used to be a police officer, and let us say that I stopped someone incorrectly and in the process of that error in judgment in stopping, say, a motor vehicle, I confiscated or found evidence that led to charges being filed against a defendant. Then the court could come in and say that because of my error of judgment in stopping the person, they are going to exclude any evidence or any fruits of my search that resulted because of my improper stopping.

I think the gentleman from Florida gave an excellent example in that particular case. I do not want to be repetitive, but I think it is important. In that particular case a police officer stopped a car; the car only had to have one license plate. The police officer was in error. He thought the carrequired two license plates. So when he stopped the car, he was in error. But in the process of going up and checking the driver's license, he noticed in the back seat of the car a certain amount of cocaine. I think there were 240 pounds of cocaine there. The court threw out the cocaine as evidence in the criminal trial because the officer improperly stopped the person for missing a license plate.

Now, there is not a person on the Main Street of America who would agree with that finding, and there is not a person on the Main Street of

America, other than defense attorneys, who is not going to say that we should have a good faith exception to the exclusionary rule.

So, Mr. Speaker, I commend the gentleman from Florida for the open rule that he has helped to facilitate. I think the substance of the issue is on our side. I think we are going to have bipartisan support, and I predict the bill will pass.

Mr. BEILENSON. Mr. Speaker, we have no requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I grant such time as he may consume to the distinguished gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time, and I would like to congratulate him on his management of the rule. It is really quite easy to manage an open rule. It has always been somewhat of a challenge to take on what is known as a restrictive rule.

My friend from Woodland Hills raised some very valid questions about the exclusionary rule, and I think that as we look at this legislation, it is going to be considered under a process that will allow amendments to be offered and debated. We will be able to discuss it openly here, as was the case in the Committee on the Judiciary and as were the case when we heard testimony from the chairman and the ranking minority member of that committee.

So basically the institution will be able to work its will on this legislation. Some will vote for it, some will vote against it, and I hope very much we will be able to see the House overwhelmingly pass this open rule and move ahead with this critically important legislation.

□ 1450

Mr. DIAZ-BALART. Mr. Speaker, at this time, again commending Chairman SOLOMON and all of the members of the Committee on Rules for bringing forth this very important piece of legislation, with the opportunity of all Members of this House to bring forth all amendments they wish to be considered on behalf of their constituents, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CUNNINGHAM). Pursuant to House Resolution 61 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 666.

□ 1451

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, with Mr. HOBSON, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering the exclusionary rule exception called the good faith exception. It is perhaps of all of those things we are considering today the one that has as much import as any that we will consider in the whole series of crime legislation over the next week. It is one which will break down some of the barriers that many have been waiting for us to do for a long time and allow more evidence to come in in search and seizure cases in order that we may get more convictions and not have people get off on technicalities.

The public is tired of people getting off on technicalities. We want to see those who have committed the crimes that they have committed be prosecuted, convicted, sentenced and put away for a reasonable period of time; of course, in the case of violent crimes, for a very long period of time.

The problem has been in part because the courts a few years ago decided to carve out a so-called exclusionary rule to protect us as citizenry from unwarranted intrusions into our constitutional rights of privacy and freedom from search and seizure in terms of police officers committing those kinds of intrusions.

The court thought in its infinite wisdom in this process of creating this rule a few years ago of excluding evidence that is gotten from illegal searches and seizures by police that we could deter the police officers from making those kinds of decisions that would violate our rights, and the courts felt that this was the only way they could go about making sure that the constitutional protections were honored by the police around the country.

Well, obviously when the police do not intend to violate your rights, when it is done without any kind of malice or forethought on their part, there is no deterrent effect. The rule does not have any meaning in the sense that it was intended to be in those kinds of situations.

So a few years ago the U.S. Supreme Court said that in cases where there are search warrants, there can be certain exceptions called the good faith exception, in common parlance, to this rule of procedure and that we will then let evidence in and allow convictions to take place.

Unfortunately, the Court did not rule in the non-search-warrant cases where there are other rights that police have in those cases to go in and do certain searches and seizures, so we have had a lot of litigation going on around the country and many questions raised in various Federal circuits as to whether or not evidence in admissible with a good faith exception in non-search-warrant cases.

That is what brings us here today. The proposal before us would carve out this good faith exception and broaden it to include not just cases that involve search warrants, but involve all of the cases of search and seizure where the police officer acted as we call it in good faith.

Now, specifically the bill would provide for an exception to the rule in situations where law enforcement officers obtained evidence improperly, yet do so in the objectively reasonable belief that their actions comply with the protection of the fourth amendment to the Constitution.

It is the role of Congress to determine the rules of evidence and procedure that apply in Federal courts. In drafting these rules, we should strive to ensure that unreliable evidence is excluded from the finder of fact, but that trustworthy evidence is not excluded. It should be our guiding principle that evidence of truth should be admissible in a court of law as often as possible.

The exclusionary rule, as I stated earlier, is a judicially crafted rule of evidence that prevents evidence of the truth from being admitted into evidence at trial. The rationale of this rule is excluding truthful evidence obtained in violation of our Constitution will discourage law enforcement officials from acting improperly. Of course, in some cases application of this rule allows guilty persons to go free because truthful evidence is excluded from their trial.

In 1984, the U.S. Supreme Court decided in the Leon case that evidence gathered pursuant to a search warrant that proved to be invalid under the fourth amendment could nevertheless be used at trial if the prosecution demonstrated that the law enforcement officials who gathered the evidence did so under an objectively reasonable belief that their actions were proper. This bill codifies the so-called good faith exception of that case.

H.R. 666 also expands the good faith exception to situations where law enforcement officials improperlygather evidence without a warrant, yet still have acted with the objectively reasonable belief that their actions are proper.

Specifically H.R. 666 provides that evidence obtained through a search or seizure that is asserted to have been in violation of the fourth amendment will still be admissible in Federal Court if the persons gathering the evidence did

so in the objectively reasonable belief that their actions were in conformity with the fourth amendment. The bill makes it clear that it is the Federal judge who will determine whether the persons who gathered the evidence were reasonable in believing that their actions were appropriate under the circumstances.

Mr. Chairman, I wish to point out that the standard that the judge is to apply is an objective one. It does not involve an inquiry into the subjective intent of the law enforcement officials. In other words, just because a law enforcement official thought he or she was acting in proper fashion is not enough. The bill requires that a detached Federal judge view that mistake to have been reasonable.

The bill also provides that the exclusionary rule shall not be used to exclude evidence that may have been gathered in violation of a statute, administrative rule or regulation, or a rule of procedure; that is, where no constitutional violation is asserted. Congress could still authorize exclusion of this type of evidence by passing a statute or procedural rule that specifically authorized the exclusion of that evidence. Even in that situation, however, the evidence in question would still not be admitted if the Court found that the persons who gathered the evidence did so in the objectively reasonable belief that their actions were proper.

Mr. Chairman, this bill does not limit the fourth amendment, nor does it reverse any Supreme Court precedent. This bill simply codifies the principles of the Leon holding and applies it to similar situations, ones that have yet to be presented to the Supreme Court for review. It is appropriate for Congress to determine by statute the evidentiary procedures that will be used in Federal courts. H.R. 666 does exactly that.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, this is an exceedingly important debate, one that I feel very privileged to be the ranking member on the Democratic side to advance, because we are now talking about a part of the so-called Contract With America that now inflicts affirmative harm to the Constitution. This so-called Exclusionary Rule Reform Act of 1995 attempts to keep its promise made in the Contract With America by eradicating our Constitution's higher covenant with the American people that it has maintained for over 200 years.

□ 1500

Let us review the exclusionary rule. Started in 1914 by court decision that made no exceptions but applies only to the Federal jurisdiction, it rolled along without event until 1961, when Mapp versus Ohio then created another exception that included States as well as Federal in the application of the exclusionary rule. Then in the 1970's came two very, very important additional modifications: the plain-view doctrine, which allowed that evidence or activity going on in plain view of the officers was a reason that one would not have to go to the magistrate to get a warrant; then came the exigent-circumstances doctrine, which rationally concluded that evidence that was either in danger of being destroyed or eliminated or that put the officers at great bodily risk were also exceptions to the exclusionary rule that had been created.

Notice that all of these modifications were positive and supportable for those of us, like me, who view this constitutional protection to be absolutely important. And then in 1981 came Leon versus the United States that created yet another reception, in which it dictated through the Supreme Court majority, incidentally, a Republican Supreme Court, that if good faith was used by the officer in seeking a warrant and that for reasons unknown to him at that time the warrant was invalid or defective, that the exclusionary rule would not be obtained and the evidence would be admissible into court anyway.

And so today we meet here with our new majority, which are here to tell us that we are now going to codify the Leon case and make it merely a continuing part of the exclusions to the exclusionary rule that I have just recited.

Well, my colleagues, this is not a codification of Leon versus the United States. I want to repeat that one more time. This bill before us, H.R. 666, is not a codification of Leon versus United States. For anyone who looks at the case will find that in Leon the officers sought and were given a warrant. They went to a magistrate and got a warrant. It turned out later that it was not a good one, and Leon said that even so, if the officer in good faith went to get a warrant and got one that was subsequently invalid for any reason, then he would be held, the evidence would be admissible and he would be held to have been operating in good faith.

But the measure before us does not do that. The measure before us now permits the officer to declare on his own that he believes that he is operating in good faith, having not ever gone to a magistrate.

My friends in the Committee on the Judiciary are now suggesting that this is a codification of Leon. Well, I suggest that anyone in or out of law school examining the Leon case will quickly come to the conclusion that this is not the case at all, and I think it makes a very important argument.

What we are doing is going far, far beyond Leon and are moving now to dispense with the exclusionary rule in its entirety.

What we are saying now is that law officers, Federal or local, that operate on their perception that they are operating in good faith will now be let off beyond the purview of the exclusionary rule. I think that this is the most dangerous damage and harm that we could work to a rule that has been a part of our Constitution for 200 years. I suggest to my colleagues that the amendment that I will offer is the only codification of Leon.

What we will do is codify Leon by saying where a warrant turns out to be invalid or defective, given by a magistrate to a police officer who operates on the basis that he had a perfectly legal document, that he will be excused and his evidence will be allowed to be offered. Nothing more. And it is on that basis that I want everyone to realize that this is far more than codification. It is a complete wiping out of the exclusionary rule as we have known it throughout American history.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

I would just like to comment on the fact that this bill does not in any way, as the gentleman from Michigan, implied, allow for a court to look into the mind of the police officer and make a subjective determination or base its determination on the thought pattern of the police officer. It is an objectively reasonable standard.

We would never want to do what the gentleman suggested. I suppose that is the subject of the debate here, but is the way the wording of the statute is written.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding time to me.

I just want to disagree with my good friend, the gentleman from Michigan [Mr. CONYERS].

The exclusionary rule is not wiped out. It is changed from the way it is presently administered. But if the evidence is offered and an unreasonable search and seizure has been made that was not in good faith, I am sure the exclusionary rule in all its glory will be enforced. This does no violence to the fourth amendment.

The exclusionary rule is judge-made. It was not made by this Congress. It is a rule the judges thought up to deter the policeman from making unreasonable searches and seizures. And their idea of deterring that was just not to admit the evidence.

What happens is, the policeman is not punished. He walks out of the courtroom and the accused walks out of the courtroom. And the evidence of his or her guilt is suppressed. The people who lose on that one, the victims,

still end up with the dirty end of the stick. So this does not codify Leon.

I agree with the gentleman from Michigan [Mr. CONYERS]. It codifies the principle of Leon, which applies to warrants and may well apply to warrantless searches.

If the search was done in good faith, as determined by the court, not by the policeman, by an objectively reasonable standard, then the evidence, the heroin that they got in the trunk of the car, gets admitted, not suppressed. And the judge makes that judgment.

Yes, this is a change in emphasis. Heretofore in criminal law, the rights of the criminal, the rights of the accused have been paramount. In the last bill we suddenly awoke to the fact that victims have rights and are entitled to restitution, regardless of the financial solvency or insolvency of the criminal.

Now we are saying, with Justice Cardozo, who famously pronounced that a trial should be a search for the guilt or innocence of the accused, not a determination as to whether the constable blundered, if constables are going to blunder, then punish the constables, but do not suppress the evidence.

The public out there is also an important factor in this equation. I hope this bill passes unmended, and I thank the gentleman again for yielding time to me.

□ 1510

Mr. CONYERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I am reminded by my colleagues on the other side not to worry about what we are doing here today, that we are merely changing law that was made by the courts.

However, Mr. Chairman, the Supreme Court can make the laws of the land unless we modify them. That is how the whole exclusionary rule came into the law. Therefore, let us not put some pejorative effect on Supreme Court law. Thank goodness they came up with the exclusion.

The gentleman from Illinois [Mr. HYDE] says ''Don't worry, the courts will eventually catch up with illegal actions,'' but that, again, is not the point. What we are saying is that illegally seized evidence should not be part of a trial.

We are not saying that people should walk out of courts. If you can make a case legally, fine. If you cannot make a case legally, that is precisely why the fourth amendment has been here for 200 years.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I would like to make a few points about this.

Mr. Chairman, I rise in opposition to H.R. 666, which is appropriately numbered. Let me say, Mr. Chairman, that there are two points I guess I would make here. The first is, there have been many instances where judges, defense lawyers, and others have hung on technicalities, and it seems, when we hear the result, that the technical change is overruling common good sense and what is good for the people of this country. That has happened, basically, in search warrant cases.

However, I must say that the Supreme Court in the Leon case dealt with that issue and dealt with it well. They said ''When you get a warrant and the warrant is technically deficient, for some reason that is no one's fault and there was no real attempt to make that warrant technically deficient, we will allow the evidence to be admitted, the seized evidence to be admitted.''

That is a good decision. It was done by a very conservative court, and it makes a good deal of sense.

However, Mr. Chairman, what the other side wants us to do now is take the rule of good faith and extend it to warrantless searches. That is taking what Leon did, which was a change that was needed, and falsely extending that logic to an area where there is no place for it.

Most Americans, Mr. Chairman, feel very strongly that police officers should not be allowed, unless there are exceptions, emergencies, in plain view, and there are lots of exceptions to the exclusionary rule, should not be allowed to knock on the door of their house and enter and search and seize. That is one of our more fundamental rights, just like free speech and freedom of religion.

Mr. Chairman, to undo that when, first of all, the evidence is that there are very few cases where this would apply that this would make a difference, as I heard the two gentleman from Florida get up and talk about cases with automobiles, I would remind my colleagues, we are not talking about automobiles here, because there is a much more lenient standard under the Terry case for automobiles. We are talking about people's homes. In that situation, we find almost no egregious cases.

Mr. Chairman, when we talk to law enforcement people, they indicate that they think that they can live with this.

I guess my first point, Mr. Chairman, and let me sum up that one here, to fix technicalities is one thing. To avoid getting a warrant altogether when there are none of the recognized exceptions, I think if that happens, Americans are going to shudder, including Americans like myself who are very much afraid of crime, and Americans like myself who think that in many instances the pendulum has swung too far for individual rights and against societal rights.

The second point, Mr. Chairman, that I would make, that is equally relevant, is that when I learned about the exclusionary rule in law school I scratched my head. I said ''This doesn't quite fit.'' A law enforcement officer steps over the line, and we punish them by not allowing what might well be good evidence. It does not fit.

As I learned more and more about it, both in law school and afterwards, there was one major problem with the logic of those who say it does not fit and we should repeal it. They do not come up with a good alternative. That is the problem.

The only alternative I have seen proposed in the law books, et cetera, is to punish the police officer. That side is not going to vote for that. This side is not going to vote for that. Our police officers, God knows, have enough burdens on them that we are not going to punish them when they go over a line.

Mr. HYDE. Mr. Chairman, would the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, does the gentleman think suppressing the evidence punishes the policeman who had made an unreasonable search?

Mr. SCHUMER. No, Mr. Chairman, I do not.

Mr. HYDE. Mr. Chairman, if the gentleman will yield further, I am just saying the present exclusionary rule does not accomplish anything but let the accused go free.

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, what I would say to the gentleman, the one thing it does accomplish is that there is care before making a search of one's home. I would like there to be a better way to create that level of care, Mr. Chairman. I agree with the gentleman. However, the gentleman has not shown it.

What the gentleman has shown in his amendment, or what H.R. 666 does, which is not the gentleman's amendment, there is no alternative standard proposed. There is simply something that says ''If you are in good faith, you do not need a warrant.'' To me that crosses the line we ought not to cross.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in support of H.R. 666.

First of all, Mr. Chairman, I have to point out, with respect to that statement that the exclusionary rule has applied within the courts of the United States of America as a congressional doctrine for all 200 years plus of our existence, that that is incorrect.

The exclusionary rule was first, I believe, announced in Federal court in Federal cases in 1914. It was not applied to the States, at least not through Federal doctrine, until all the way to 1961.

However, I want to say that I do support the broad purpose of the exclusionary rule. I think, as the Supreme Court said in Mapp versus Ohio, cited by the gentleman from Michigan, that the exclusionary rule was a necessary device to encourage police officers not

to flagrantly disregard the Constitution of the United States, and in particular the 4th and 14th amendments to the Constitution of the United States, in terms of their search and seizure practices.

I think the exclusionary rule, even though it is opposed by some, I think implied in some of the remarks we have already heard, because it does represent a fact that evidence sometimes is not allowed in cases, is still an important device in terms of protecting constitutional rights. If there were a bill, if there were a bill that proposed to totally eliminate the exclusionary rule completely, I would not support it.

However, that is not what it does. What it does is broaden the exception already announced by the U.S. Supreme Court for a good-faith error in terms of search and seizure.

The whole purpose of the exclusionary rule, and it is a rule, it is not in the Constitution itself—one cannot find it in the Constitution—the whole purpose of this rule is to encourage officers to observe our rights under the fourth amendment in terms of their putting together criminal cases.

Again, I have said I agree with that. The penalty, of course, the deterrence intended, is evidence cannot be used if officers deliberately or for any reason, as of right now, violate the fourth amendment.

The point is, Mr. Chairman, this rule makes sense in terms of encouraging officers to comply with the fourth amendment to the best of their ability. It makes no sense—it makes no sense under the theory of the exclusionary rule—to exclude evidence from a court where an officer has acted in good faith; that is, has acted on an objectively reasonable standard and in the belief that the search was legal.

I can recall, Mr. Chairman, during the years when I was general counsel for the Albuquerque Police Department, and also when I was district attorney of the Albuquerque area, that certain areas of search and seizure without a warrant were changing so rapidly in court decisions that it was hard to even advise the police officers what the standards were.

□ 1520

It seems to me that it accomplishes nothing to exclude evidence in a particular case where an officer has seized that evidence and later a court says this was in fact a good faith error but was an error when that officer has to try to be a lawyer out on the street. It seems to me that the purpose of the exclusionary rule is not accomplished when an officer in good faith, under the standards announced here in objectively reasonable good faith, makes an error.

That is the reason why I support H.R. 666. It is true that ''objectively reasonable'' has to be determined in each case, but that is no different than the fact that probable cause has to be determined in each case. It is no different than the fact that the term ''beyond a reasonable doubt'' must be determined in each case. The legal system has handled that in the past on a case-by-case basis and, I am confident, is capable of doing so in the future.

For that reason, I urge passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, to the gentleman from Illinois [Mr. HYDE], our chairman, I would have him remember that the exclusionary rule was put in place to make sure that the police behave rather than allowing ''anything goes,'' and then we have years later a court decision that finds out that they did not conduct themselves in the manner that they should. That is the importance of the exclusionary rule.

Mr. Chairman, to my friend from Arizona who said we want an objectively reasonable standard, but not the police officer's objectively reasonable standard. We want the magistrate's objectively reasonable standard at the front end. We do not want policemen applying court doctrine unilaterally.

Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. WATT], a member of the committee.

Mr. WATT of North Carolina. I thank the gentleman for yielding me the time.

Mr. Chairman, I am beginning to wonder what happens when the Republicans' 1995 political contract comes into conflict with the people's 1791 contract with the American people, the Constitution.

I thought the conservative approach was to uphold the people's contract under all circumstances. What I have found recently is that the Republicans are not willing to be conservative in their approach. They talk about being conservative but when it comes time to be conservative, they throw the most conservative document in the world out the window.

When the Constitution conflicts with their beliefs, they are willing to either violate it or amend it, because they think they are smarter than the Founding Fathers of this country were.

The 1791 contract leaves no equivocation. It says the right of the people to be secure in their persons, houses, papers, and so on shall not be violated. it does not say if we find some objectively reasonable standard, we will violate it. It says ''shall not be violated.'' ''No warrant should issue but upon probable cause.'' It does not say probable cause if there is some objective belief that there was probable cause. It says ''probable cause.'' Yet here we are trying to undermine that document.

Since 1791 when this fourth amendment was put into the Constitution, there has been litigation. Case after case after case we have litigated what this fourth amendment means. Notwithstanding that, what did they come back with? Some more language, objectively reasonable standard, that we will have to litigate for 200 more years before we find out what it means.

Mr. Chairman, this makes no sense. The gentleman from New Mexico [Mr. SCHIFF] says it is not in the Constitution. I beg to differ with him. My Constitution says, ''The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.''

Nobody can tell me that there is any objectively reasonable standard in this Constitution. It says ''shall not be violated.'' And here we are, claiming that we are conservatives and all the while treading on the most conservative document we have in this country, treading on the rights of the people.

This document was not written for the protection of the guilty. This document was written for the protection of the innocent. They can tell me all they want that only 1 percent or 2 percent of the cases that come up under this amendment are won by the defendant. Those are the people that this language was designed to protect.

If we believe in the Constitution, we will leave it exactly like it is. In fact, we will vote for the amendment I plan to offer when the time for amendment comes on this bill.

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the exclusionary rule is what is not in the Constitution. It was not imposed upon the States as a mandatory Federal doctrine until the year 1961. And somehow the Republic made it all that way from the 18th century until 1961 without the exclusionary rule. Nevertheless, I support it as enunciated in the case Mapp versus Ohio and the circumstances they were talking about, an outrageous ignorance of following constitutional prescription, and the reason they imposed it on the States. But it makes no sense to impose it in a situation where an officer is in objective good faith.

Although the last speaker said we should not change anything, the Supreme Court has already made a modification in the exclusionary rule by allowing this very good faith exception in the case where a warrant is obtained by police officers and the warrant is later held to be invalid, and that has not caused a wholesale violation of constitutional rights through that exception.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEINEMAN].

Mr. HEINEMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, we hear the talk about the exclusionary rule, and I do not think we have had much dialog about the warrant search, the search under the authority of a warrant, other than having Leon explain to us on two occasions. What we are really talking about is we are really talking about the warrantless search. Leon did not

speak to the warrantless search, but warrantless search is basically what this exclusionary rules points up. Warrantless searches are searches performed by police officers at the scenes of a provocation, so to speak, a situation where the exigencies of the service require a police officer to act.

Police officers do not have with them the luxury of a law library to look up in the library as to what is legal and what is illegal. They have their own instincts, they have their own practices, and they have their own good common sense. Nor do they have a boardroom to caucus their contemplated actions before making an arrest or a search. They have to again rely on their experience and precedent.

Of course we can talk about officers in 1910 or we could talk about officers in 1995, the training and those that are not trained. I submit that officers in 1995 are better trained than officers at any other time in the history of law enforcement in this country.

□ 1530

But it all comes down to an arrest and evidence being seized and it all comes down to the courtroom where defendants have a right to an attorney present. Those attorneys, if they are worth their salt, and in Federal cases and I have great respect for Federal attorneys and people that ply their wares in Federal court and the judges, at that point the attorneys have an obligation to make a motion to suppress, a motion to suppress the evidence that was seized, and the attorney, and if he does not do that, then that is something else, then that is another motion to make to get rid of the attorney.

But the judges present, listening to the probable cause that was offered by the police officer that generated his action, will make a determination as to whether to suppress that evidence or not to suppress the evidence. And if that evidence was not seized under probable cause, then I am sure that the evidence will be suppressed.

If it was not, if the evidence, if the probable cause that was laid before the judge would have been probable cause to issue a warrant, then the judge has an obligation not to suppress that evidence, and I think that the Constitution, yes, the Constitution which gives the right of the people to be secure in their persons, protects the victim.

We are not talking about specifically protecting the criminal, we are talking about in this day and age protecting the victims of crime. And I as a citizen, and I 2 months ago was a citizen, not a legislator, I want to know that the courts, I want to know that the Constitution, I want to know that law enforcement is out to protect me, because determination of the evidence seized and suppressed has to go to someplace. And if it is a pound of cocaine or if it is a gun in a room or whatever, it is going to come down to the citizens of this country one way or another.

I am for law enforcement officers and I urge the passage of the exclusionary rule, H.R. 666.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

The right of persons to be secure in houses, papers and effects against unreasonable searches and seizures shall not be violated, the fourth amendment to the Constitution of the United States.

Today we are told it is an inconvenience, it is in the way of the police, it did not apply to the States until 1961 anyway. It is the Bill of Rights, and every Member comes to this floor every day and pledges allegiance to that Constitution and has sworn an oath to it.

It is not always going to be convenient and sometimes it is going to cause problems. And yes, I say to the gentleman from New Mexico [Mr. SCHIFF], it did not apply to the States in these cases until 1961.

But the Supreme Court of the United States, the people of this country, had decided in each generation, in each decade to expand its powers, because for 200 years we have understood that the principal danger to the freedom of the people of this country was expanding Government power. For 200 years we have understood the very cause of our revolution, that we wanted to be secure in our homes, that we feared the criminal and lawlessness, but we also feared a government so content in its own powers that it would enter our own homes and violate our own rights.

It is a great irony that a new conservatism, believing that government robs people of their freedom, believing in the right and the sanctity of private property, would now cause a new exclusion, the exclusion of the right of the person to be free of government power.

It is, of course, worth noting that many of those things that we are told that need to be protected for law enforcement are already protected. A fleeing felon, the police can already enter under the fourth amendment. The destruction of evidence, the police can already enter under the fourth amendment. The possibility of escape, the police can already enter under the fourth amendment.

Indeed, the very things the police need for practical law enforcement for the dangers of our times are already protected. We achieve nothing but lowering the standard that we apply to law enforcement, a standard which will be lowered and lowered if this measure succeeds.

My colleagues, we must make compromises, but if today we violate the fourth amendment, then the criminals have already won. Our Constitution will have been compromised.

Mr. SCHIFF. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we are really talking here today not about thousands upon thousands of court decisions, not about tens of thousands of pages of court documents, but about two documents, the Constitution of the United States of America, and H.R. 666.

Is it not interesting, Mr. Chairman, that both of these documents talk about reasonableness? They complement each other, they are not antagonistic, they do not fight with each other as the other side would have us believe they are doing here today. We are simply taking that standard of reasonableness embodied in this document, the Constitution of the United States, which includes the word ''reasonable,'' which many Members on the other side conveniently disregard in their quotings from the Constitution, the fourth amendment today as does H.R. 666.

We are not saying we do not believe in the Constitution. No Member on this side of the aisle needs to allow those on the other side of the aisle impugn our motives or with regard to the Constitution of the United States of America. What we are talking about here today, Mr. Chairman, is strengthening that document and saying we pay attention to the entire document, including that language which says in the preamble:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

Mr. Chairman, today that preamble, the ability of our Constitution is in danger, it is in danger because we have drifted, drifted through decisions over the years that do not pay attention to the specific wording of the fourth amendment.

This bill today, H.R. 666, gets us back to the root, the heart of what our Constitution was intended to do, and that is to apply a reasonable standard to protect all people, including those of us who may be victims of crime, those of us such as myself as a former U.S. attorney who seek to promote and protect the welfare as well as the rights of the accused.

Mr. Chairman, I rise today in strong support of H.R. 666 which supports our Constitution, which follows in recent cases and says that, yes, to the people of the United States, reasonableness, as embodied in our Constitution but has been forgotten in recent years, is there, should be there. And this proposed statute that we are debating today simply contradicts that and says to the people of this country who spoke very loudly on November 8 that yes, we want our Constitution, but we want it to apply with reasonableness to our police officers who are there to protect

the good and to carry out this great document.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

□ 1540

Mr. VOLKMER. Mr. Chairman, I just want to alert the Members that I will be having an amendment to this bill that would exempt the Bureau of Alcohol, Tobacco and Firearms agencies from the provisions of this bill.

BATF has been the biggest rogue, Rambo outfit that has taken guns away from innocent people, and this will permit them to break into houses, break into business houses, without a warrant. It is bad enough now with a warrant.

The gentleman from Georgia talked a minute ago about the fourth amendment. Well, he had better start looking at the second amendment, because this bill, as it is written right now, lets BATF, if somebody tells somebody, ''Hey, that guy has got an illegal gun down there in his house,'' they can go in and bust the door down and get it. If it is not there, they just say, ''Tough luck, buddy,'' just like they have said to many people in this country. I have fought BATF since the 1970's since I first came here. What do you think happened at Waco? Who was that? What happened in Idaho? Who was that?

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

I just want to respond and point out that if any agency breaks down a door looking for evidence and it is not there and they say, ''tough luck,'' that is true under the exclusionary rule today. The exclusionary rule only applies if something illegal is in fact found.

One of its detriments is the fact it offers by itself no protection in those situations where someone, an innocent's rights are transgressed.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Missouri.

Mr. VOLKMER. If they have a warrant; if they have a warrant. If they do not have a warrant, as your bill permits it, they do not have to have a warrant to break into that house, and if the warrant is defective, even under the Supreme Court, which I disagree with, the evidence can possibly be used.

Mr. SCHIFF. Reclaiming my time, the example given by the gentleman from Missouri was, if nothing illegal is found, tough luck. That is true under the exclusionary rule today. That is my point. The exclusionary rule, since it suppresses evidence that is found that the police officers seek to use has no effect if nothing is found.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I had not planned to speak on this matter. I sit with the gentleman from New Mexico and the gentleman from Michigan on the House Committee on the Judiciary, I am proud to say, but I heard other speakers come to the podium, and I feel obliged to insert my oars into the water, if you will.

Mr. Chairman, no one on this floor is trashing the Constitution, as far as I am concerned. I intend to vote in favor of H.R. 666. In doing so, am I guilty of trashing the fourth amendment? Indeed not.

The gentleman from Georgia, I believe, who preceded me here, he used a key word that many are either conveniently or unintentionally avoiding, ''reasonableness,'' and ''good faith.'' Those are words you do not hear kicked around too much.

Now, I am not suggesting that every police officer and every law enforcement officer in this country is a model citizen.

I am suggesting, however, Mr. Chairman, that most police officers and most law enforcement officers in this country are good people, and most of them do their jobs orderly and properly and most of them do their jobs, in my opinion, at least speaking for the law enforcement officials in my district, they do their jobs laced very generously with good faith.

I think it is a shame that we are hearing those of us who are speaking in favor of this piece of legislation as being guilty of trashing the Constitution. I resent such charges. They are not well founded.

I urge passage of H.R. 666.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

(Mr. REED asked and was given permission to revise and extend his remarks.)

Mr. REED. Mr. Chairman, we all want to see criminals convicted and serve prison sentences for their crimes. No one wants to hinder the police in their dangerous and difficult effort to protect all of us and to combat crime.

However, this bill is not about merely eliminating legal technicalities. It is about removing the requirement for a warrant prior to a search and seizure, and the Founders of our country believed that our citizens should be free from unreasonable searches and seizures.

The words of the Constitution, the fourth amendment, ''The right of the people to be secure in their persons, houses, and papers and effects against unreasonable searches and seizures shall not be violated.'' I am not talking about the rights of defendants or the rights of prosecutors. We are talking about a fundamental right of the people of this country, and that is what we want to protect here today.

I do not think we should chip away at that fundamental right. The warrant requirement is not a burden on law enforcement. Police can get a warrant by telephone. In fact, it takes sometimes only 2 minutes to get a warrant.

Warrantless searches are permissible under exigent circumstances. I do agree that officers who rely on a warrant that later turns out to be invalid should not be penalized. I support that part of the bill that codifies that good-faith exception.

I also support extending this exception to cases where the police relied upon a statute that later turned out to be unconstitutional.

However, I am reluctant to leave behind the presumption that in the ordinary course a police officer should obtain a warrant.

The majority would have you believe that this technicality results in many cases being thrown out. The evidence is contrary to that. The Comptroller General, in a report, indicated that suppression motions, those motions to eliminate evidence, succeed only in 1.3 percent of Federal cases. In fact, in those cases, 50 percent of the individuals are convicted anyway.

In fact, under the majority's formulation, more evidence may be thrown out as police officers have to justify after the fact their constitutional compliance.

I suggest we maintain the protections of the Constitution for the people.

Mr. CONYERS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I think we need to go back to exactly what we are talking about. What we are talking about in this discussion is illegal searches.

Legal searches are not affected by this legislation.

Oliver Wendell Holmes, Justice Oliver Wendell Holmes, said the fourth amendment protects an individual's legitimate expectation to privacy. ''The right to be let alone, the most comprehensive right and the most valued by civilized men.'' The fourth amendment, Mr. Chairman, allows the State to breach an individual's right to privacy only when the amendment's rules are followed.

The purpose of the exclusionary rule is to protect innocent people from illegal searches, because it removes all incentives the police officer may have to conduct illegal searches. If an officer conducts illegal searches, a search of innocent people, those for whom he has no probably cause that there is evidence of a crime, if he conducts illegal searches, he could not use the evidence anyway if he happened to find some evidence.

So police officers do not conduct illegal searches.

This bill would remove the incentive to obey the law and gives the incentive to police officers to break the law, because if they break the law in good faith, then they can still use the evidence.

Mr. Chairman, the police officers always act in good faith. I believe that the officers who beat Rodney King were acting in good faith. If they act in good faith, they act in good faith when they develop racial profiles to target certain ethnic groups for arrests. For example, there is the drug courier profile. If you have a black or Hispanic young male driving a Florida rental car up Interstate 95, they are targeted for arrest.

Those kinds of profiles ought to be illegal. If the police find something in an illegal arrest, they can always come up with an excuse for the search.

The exclusionary rule removes the incentive for illegal searches. It protects innocent people from those searches. It is the exclusionary rule that first causes complications, but now is being complied with. We should not dilute the Constitution. We should uphold the Constitution.

We should not encourage police misconduct.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I just am pleased to come to the well right at this point, because I think it helps show why we feel H.R. 666 is a radical diversion from the Constitution and really is trashing it.

The gentleman from Virginia who spoke before me asked some very serious questions in the committee, and that brought it all right down to where we are.

□ 1550

Right now Americans are basically protected from illegal searches and seizures by the fact that, yes, or course, today the FBI or the BATF or the local police could come and go through your house, your car, whatever, without a warrant. But if they find anything, they could not use it against you. Therefore, that is a real inhibitor. Why would you, as a FBI agent or BATF or a police officer, go running through, stopping people illegally or searching homes illegally if you could not use it to prosecute? The idea being now, if you want to prosecute someone and you have cause, you go get a warrant and then you go get it. If you take away that, which is what this bill does—this bill says if they come through your house, if they come through your car, if they do not have a warrant and the find anything, they could still use it—why would anybody go get a warrant?

Why would anybody go get a warrant? This is Monday morning quarterbacking, then. They will say, ''Oh, but the way you are protected is the court will see whether or not they have an objective standard to illegally search your house without a warrant.'' If they could not figure out something by then to say, they are not worth their pay, they are not worth their salary.

So what we are really doing as we adopt this bill is just totally doing away with the requirement to have a search warrant, because there is not penalty paid, no penalty at all paid if they illegally search.

Therefore, I hope everybody takes a great, sober second look at H.R. 666.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. I thank our very fine ranking Democrat on this committee for yielding me this time.

Mr. Chairman, I rise today in strong opposition to H.R. 666, exclusionary rule reform.

Mr. Chairman, this legislation in its present form is an affront to the fundamental principles upon which our great Nation was established. It hollows-out the fourth amendment and severely curtails one of our most basic civil liberties.

The exclusionary rule was designed to protect the fourth amendment right of all Americans to be free from unlawful persecution by the government. It ensures that evidence illegally obtained cannot be used in a trial.

This legislation would make a mockery of the fourth amendment. It would expand the good faith exception to say that evidence illegally obtained, in instances where law enforcement officers did not even try to get a warrnt, could be admitted in court if the officers were acting in good faith.

If we could depend on ''good faith'', Mr. Chairman, then we would not need a Constitution. But our founders adopted the Bill of Rights 200 years ago because they wanted civil liberties to be the foundation upon which this Nation was built.

We needed that protection 200 years ago, Mr. Chairman, and we need it more than ever today.

Mr. Chairman, I strongly urge my colleagues to oppose this legislation.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this debate today indicates some woeful belief, I think, of the wrong direction of what we are about. My judgment on the debate I have been hearing today is that there are some Members, particularly on the other side of the aisle, who think somehow there is a constitutional right that we are undermining today, that we are doing something radical—I have heard that word used—we are making a major change that would undermine the basic rights for the protection against unlawful search and seizure in our homes. I think this needs to be put in perspective. There was no exclusionary rule of evidence prior to 1914, when the Supreme Court made the decision to enact such a rule to discourage police officers from carrying out unlawful searches and seizures. It is not a constitutional matter. It is a matter of procedure, and the courts thought this was the best way to go about doing it whenever they could do it, trying to discourage police from knowingly and intentionally doing something wrong.

There have been exceptions to this rule in orderto make it more likely to get convictions in those cases where there was no reason to have this rule. That is in cases where the police officers are not going to be deterred from doing something unlawful.

That is the whole exception that was carved out in cases of search warrants. One needs to note that this particular question of just keeping it to the search warrants has never been decided by the U.S. Supreme Court. In fact, in the fifth and 11th circuits of our system, our Federal court system, they have for quite some time allowed the good-faith exception we want to adopt today on the floor of the House. They have allowed it to be the law in those two circuits. There has been no ill that I know of that comes from that broader interpretation. And there have been a few cases where we have gotten some convictions with search and seizure evidence that we otherwise would not have gotten against the bad guys. I cannot find any instance where any harm has come from this looser interpretation that the fifth and 11th circuit courts have given to the rule that we want to adopt here today.

I would cite that there is a case going before the Supreme Court in Arizona that illustrates the absurdity of the situation we are in.

On Jan. 5, 1991, two Phoenix police officers stopped Isaac Evans for driving the wrong way on a one-way street. After obtaining Mr. Evans' identification, one of the officers ran a computer check from his car, which showed an outstanding arrest warrant for Mr. Evans. As the officers arrested Mr. Evans, he dropped a marijuana cigarette, which, along with more marijuana found in his car, was seized as evidence.

However, 17 days earlier, the Central Phoenix Justice Court had quashed the Evans arrest warrant. It is unclear whether a check in the Justice Court had failed to notify a police clerk or whether a police clerk, after receiving notice, had failed to remove the warrant from the police computer. The trial court concluded that the arrest was invalid since the warrant had been quashed and, applying the exclusionary rule, suppressed the evidence of Mr. Evans' guilt. The Arizona Supreme Court agreed, with that interpretation.

I would suggest that if the record-keeping efficiency of the Phoenix criminal justice system was what was wrong, that is what should have been corrected, not throwing out the evidence. The better solution obviously if it is the clerk who was at fault, to fire the clerk, not to exclude the evidence and deny the public the right to convict somebody who actually committed a crime we all know he committed.

We are going overboard, and to the excess, in our law enforcement process today to protect the innocent, if you

will, protect us from unlawful searches and seizures. We need to have a balance in the system, one that says, ''Yes; the rights of the individual under the Constitution are protected, but we also have a right, as the general public, to be safe and secure in our homes and on our streets of this Nation.''

We cannot be safe and secure if we go to the extremes to protect the rights of the individual under the Constitution with the created rule that we have developed in the court systems today that excludes evidence when somebody is clearly guilty, evidence of their guilt, in cases where it would not deter the police at all from doing whatever acts that they did to have excluded that evidence.

I submit that we are not doing anything complicated in this bill if we pass H.R. 666. We are simply taking what two circuit courts in the Federal system today already have adopted as the rule of evidence and apply that rule, that good-faith exclusionary rule, throughout the Nation, throughout all the circuits, to obviate the necessity of protracted litigation and the potential for more Supreme Court rulings coming down over the years in the future and that undoubtedly will gradually expand the rule to encompass all these possible cases as the fifth and 11th circuits have already done. That is all we are doing, nothing really profound, but something the law enforcement community and the general public can be very important because we need to get more convictions and do not need to let criminals get off on technicalities. That is what it is all about, pure and simple.

That is what the good-faith exception to the exclusionary rule is all about. Again I would urge my colleagues to proceed through the amendment process and keep that in mind and that in the end we have an overwhelming vote to pass this bill, as we have twice before done in this body and previous Congresses, only to see it fail because the other body did not act on it. But we have passed it overwhelmingly here this good-faith exception to the exclusionary rule in two previous Congresses in recent years.

I would urge my colleagues, before the day is out or by tomorrow if it goes to tomorrow, to pass this bill.

Mr. LAZIO. Mr. Chairman, what does the fourth amendment say? It is illuminating to read the text which describes each and every American's constitutional right:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

While the fifth amendment contains an explicit exclusionary rule in that ''No person * * * shall be compelled in any criminal case to be a witness against himself * * *'' the fourth does not. The exclusionary rule is a mechanism created by the Supreme Court designed to enforce violations of the fourth amendment.

This bill does not abolish the exclusionary rule, but rather improves it. This bill seeks to broaden the ''good faith exception'' by applying it to warrantless searches. The rationale of this is the same as searches with warrants which the Supreme Court addressed in the 1984 Leon decision. The reasoning is that since the action was taken in good faith, there would be no deterrent effect, the means by which the fourth amendment is enforced. Some critics of this bill say that it allows the police officer to be ignorant of the law. This is not the case. The bill calls for an ''objectively reasonable belief'' on the part of the police officer. The police officer's belief must not only be reasonable to him or her, it must be an objective one made in good faith.

As a former prosecutor, I have seen clearly guilty individuals go free merely because certain evidence was excluded, despite the best efforts of the police. H.R. 666 would end this unfair result. The safety of our community is more important than a law review article.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 666, the Exclusionary Rule Reform Act. This legislation represents title VI of the Taking Back our Streets Act, one of the 10 points of the Republican Contract With America, and continues our efforts here in the House to address our Nation's crime problem. As you know, Mr. Speaker, we have already completed work on the Victim Restitution Act.

Mr. Speaker, the fourth amendment to the U.S. Constitution protects Americans from unreasonable search and seizure of their persons, houses, papers, and effects. Under current law, if a court finds that evidence was obtained in violation of this amendment, that evidence cannot be used by the Government in its case against the defendant and is to be excluded at trial.

Unfortunately, this exclusionary rule has been manipulated by skillful defense attorneys to protect murderers, drug dealers, rapists, and robbers. In one instance, more than 250 pounds of cocaine found in a car during a routine traffic stop were ruled inadmissible at trial because the officer did not have a warrant to search the car. This strict interpretation too often leads to the acquittal of many who are obviously guilty.

In 1984, the Supreme Court modified the exclusionary rule to permit the introduction of evidence that was obtained in good faith reliance on a search warrant that was later found to be invalid. H.R. 666 codifies this decision into law. However, as the above example makes clear there is a need for a similar good faith exemption in cases where police officers, acting in good faith, conduct a search or seizure without a warrant. Today's legislation creates such an exemption by allowing evidence to be admissible so long as the law enforcement officials who gather the evidence held an objectively reasonable belief that their action conformed to the requirements of the fourth amendment.

Mr. Speaker, H.R. 666 strikes the proper balance between the rights of Americans against unreasonable search and seizure, and the rights of society to be free of criminal threat. It will help to protect America's citizens and put away America's criminals, and I urge its support.

Mr. MCCOLLUM. Mr. Chairman, I yield back the balance of my time.

THe CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 666 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Exclusionary Rule Reform Act of 1995.''

SEC. 2. ADMISSIBILITY OF CERTAIN EVIDENCE.

IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3510. Admissibility of evidence obtained by search or seizure

''(a) EVIDENCE OBTAINED BY OBJECTIVELY REASONABLE SEARCH OR SEIZURE.—Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment to the Constitution of the United States, if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment. The fact that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of the existence of such circumstances.

''(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR RULE.—

''(1) GENERALLY.—Evidence shall not be excluded in a proceeding in a court of the United States on the ground that it was obtained in violation of a statute, an administrative rule or regulation, or a rule of procedure unless exclusion is expressly authorized by statute or by a rule prescribed by the Supreme Court pursuant to statutory authority.

''(2) SPECIAL RULE RELATING TO OBJECTIVELY REASONABLE SEARCHES AND SEIZURES.—Evidence which is otherwise excludable under paragraph (1) shall not be excluded if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that the search or seizure was in conformity with the statute, administrative rule or regulation, or rule of procedure, the violation of which occasioned its being excludable.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to require or authorize the exclusion of evidence in any proceeding.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''3510. Admissibility of evidence obtained by search or seizure.''.

☐ 1600

The CHAIRMAN. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONYERS: Page 2, strike line 1 and all that follows through the end of the bill and inserting the following:

SEC. 2. SEARCHES AND SEIZURES PURSUANT TO AN INVALID WARRANT OR STATUTE.

(a) IN GENERAL.—Chapter 109 of title 18. United States Code, is amended by adding at the end of the following:

"§ 2237. Good faith exception for evidence obtained by invalid means

''Evidence which is obtained as a result of search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the Fourth Amendment to the Constitution of the United States, if the search or seizure was carried out in objectively reasonable reliance—

''(1) on a warrant issued by a detached and neutral magistrate or other judicial officer ultimately found to be invalid, unless—

''(A) the judicial officer in issuing the warrant was materially misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth;

''(B) the judicial officer provided approval of the warrant without exercising a neutral and detached review of the application for the warrant;

''(C) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; or

''(D) the warrant is so facially deficient that the executing officers could not reasonably presume it to be valid; or

''(2) on the constitutionality of a statute subsequently found to constitutionally invalid.''

(b) CLERCIAL AMENDMENT.—The table of chapters at the beginning of chapter 109 of title 18, United States Code, is amended by adding at the end the following new item:

''2237 Evidence obtained by invalid means.''

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman and colleagues, we have heard continually that those who have brought H.R. 666 to the floor contend that all they want to do is codify existing law with respect to the exclusionary rule. If that is their simple goal, then what is the purpose of the current legislation before us since current Supreme Court decisions are controlling in American jurisprudence in the first place? In other words, why are we doing that?

If, however, the sponsors of H.R. 666 content that even with Supreme Court decisions it is necessary for the Congress to put them in statute, I have no exceptions save one. Let us really codify the law as it exists and not use this as an exercise, as a pretext, totally invalidate the fourth amendment protections to innocent and law-abiding citizens.

So, Mr. Chairman, I have brought forward this amendment to protect law-abiding citizens. This amendment codifies the key controlling case law on the so-called good-faith exception, which includes both the Leon case as well as the Krull case. In both cases the Supreme Court recognized a good-faith exception for police officers who rely either on an improperly issued search warrant, or as in Krull, an invalid statute as a basis to make a search or seizure of property. The reasoning of the court in these two cases was that police need this type of latitude in exercising their duties and that they should be held harmless for any error that a magistrate commits in issuing a warrant or any error that a legislature makes in passing a statute. Hence the phrase ''good-faith reliance.''

Yet, both Supreme Court decisions that define the good-faith exceptions share a crucial, common aspect, the need for a law enforcement official to rely on a source of authority outside of himself to make the final determination that probable cause exits for search for evidence. Without the requirement of an external source of authority making such a determination, government and law enforcement agencies can simply be a tribunal to themselves as to when and how they will invade the privacy of law-abiding citizens in their homes. We have already seen the results of such carelessness in ill-conceived and disastrous raids in Texas and in Idaho.

These cases dealing with good-faith reliance by law enforcement officials were developed by the more conservative Supreme Court appointees during the 1980's as a reaction to, perhaps, a very valid criticism, that the law on the exclusionary rule was too restrictive and confining on police officers. However, following the Leon and Krull cases, Justice Sandra Day O'Connor warned that the Supreme Court has reached the outer limits on the fourth amendment through its good-faith exception and that any further diminishment of the requirement of having an outside, neutral authority issue a warrant could lead to complete chaos and complete violation of our citizens' expectations of privacy in their own homes.

Justice O'Connor further warned very perceptively that some in the Congress might want to push the envelope beyond these outer bounds to that, and I quote, ''they would not be perceived to be soft on crime,'' and we are now witnessing her warning and prediction come true in the form of the bill that is before us as passed out of the Committee on the Judiciary.

My amendment would simply restate the law on good-faith reliance by police officers to exactly where it currently exists. That reaffirmation would keep the delicate balance struck by the court between assisting the police in their important duties while safeguarding the rights of innocent Americans from improper searches of their homes.

Let us remember also that in addition to the good-faith exception, law enforcement already has the right to take whatever action it deems necessary in emergency circumstances under the ''plain view'' doctrine that would not be affected. In fact, if there is a desire to codify the good-faith exception, then my amendment provides us with just such an opportunity.

I say to my colleagues, ''Support this amendment if you want to codify the existing Supreme Court decisions.''

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. CONYERS].

Mr. Chairman, I must oppose this amendment. It actually would reserve the court rules with regard to evidence in the area of the fifth and the eleventh circuits by adopting the Leon case and one little small additional exception from one other Supreme Court ruling dealing with statutes. We already have, as I explained a few moments ago in general debate, two of the circuits of our Federal court system, the fifth and the eleventh, which for quite some time now have had this broader good-faith exception to the exclusionary rule as their rule of evidence allowing more evidence in than has been yet certified by the Supreme Court as in the Leon case, which is what the gentleman from Michigan is trying to codify into law. He would by this amendment.

So we all understand it, he would strike the bill that we have before us today and substitute his own language, his own language. The language of the gentleman from Michigan [Mr. CONYERS] is the language derived, 98 percent of it, from the so-called Leon case that deals with the good-faith exception in cases where there have not been search warrants issued. He does not broaden it to all of those cases where there have not been search warrants issued, nor would he cover the Arizona case that is now before the Supreme Court where I described a situation which a warrant had been issued, but it had been illegally quashed some 17 days before the search occurred which resulted in the contraband being seized, which was then held to be inadmissible in that particular case on the basis of the previous Supreme Court rulings.

I think this is way too narrow, and, as I said,

> It does change the law elsewhere in the country in ways that are not beneficial, and I would urge my colleagues to defeat this amendment and to stick with the broadening provisions that we have placed in this bill in order to allow the good-faith exception that all of us on this side have promoted for quite some time.

So, again I object and oppose this amendment and urge its defeat.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come down here today. I had no intention of coming down here until I started listening to the debate, and the more I listened to it, the more concerned I have become and the more convinced I am that we need the amendment proposed by the gentleman from Michigan [Mr. CONYERS].

There are very few principles in our Constitution or in the amendments in our Bill of Rights that are more sacred than protecting people and their homes from unreasonable search and seizures.

As I was in my office discussing matters with some constituents, the gentleman from North Carolina, who had a very long and distinguished career in law enforcement, came up and spoke in favor of H.R. 666, but what the gentleman said are words to this effect, that the fourth amendment applies only to law-abiding citizens, as he was 2 months ago.

I say to my colleague, ''The fourth amendment applies to everyone in this country, whether you're a law-abiding citizen, whether you are driving down the road and being stopped by the police, or whether you are walking home at night and being stopped by the police. We are all citizens, and we all have the protection of the fourth amendment against unreasonable search and seizures.''

□ 1610

Having been a police officer for 12 years, 12 years of having worked the road while I was a police officer, I also went back and got my law degree and was assigned to special investigations. I also taught constitutional law, search and seizure and criminal law at the Michigan State police academies, and I continued to work the road and to do special investigations.

No matter who you are, the fourth amendment applies to you. We do not know when the resources of the State or local or Federal Government will turn their resources on you, and you then become a suspect. You do not suddenly lose your fourth amendment rights. You cannot lose these rights.

The gentleman from Florida mentioned the Arizona versus Evans case, and he said in his comment ''We all know he was guilty.'' That is the reason why we need the fourth amendment, because we do not know people are guilty until they are tried by a jury of their peers. It is not a subjective standard. It is reasonable search and seizure.

The Leon standard as articulated by the Supreme Court in 1984, that was a Reagan Supreme Court that decided Leon. Last night we were handling President Reagan as a hero of the line item veto. Today we are saying his Court did not know what they were doing? It cannot be both ways. It cannot be both ways.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I have no problem with the Leon decision or what his Court decided. They did not have before them anything but the warrant cases. They had no nonwarrant cases we have up here today. So I have no squabble at all with Leon.

Mr. STUPAK. Mr. Chairman, reclaiming my time, how can one get on the floor and say under this law we all knew in Evans versus Arizona the gentleman was guilty? That is the kind of standard we cannot have.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will yield further, I never said the gentleman was necessarily guilty. I said there are many cases where the people were guilty out there who have been getting off on technicalities. Not necessarily that case. We know the evidence in that case was not allowed in, and therefore that is the problem. We assume that might have made him guilty. It might not have.

Mr. STUPAK. Mr. Chairman, reclaiming my time, the reason we don't allow it in is because the standard is to be proven guilty beyond a reasonable doubt. Beyond a reasonable doubt is a fair and honest doubt growing out of the evidence or the lack of evidence. The lack of evidence comes in when evidence illegally obtained is excluded from the courtroom procedure. It is not the subjective standard that the gentleman argues, but rather a very, very profound standard with parameters on it that the Supreme Court gives to all of us and the Constitution has guaranteed.

Let us be clear about this: The ABA studies at the time of the Leon case found that less than 1 percent of the individuals arrested for felonies are released because of illegal search and seizures, less than 1 percent. So there is a huge standard here, a very sacred standard, and we should not disregard it. Your H.R. 666, while well-intended, puts a good faith exception, and we do not know what that good faith is, other than the good faith as articulated in a police report. But the Conyers amendment says take the highest authority we have, the Supreme Court, let us codify it, and bring some reasonableness to the standard.

Believe me, if we are wrong on one or two, so be it. But less than 1 percent. Not everyone is guilty. You do not know when the resources of government will be turned on you.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. STUPAK] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. STUPAK was allowed to proceed for 1 additional minute.)

Mr. STUPAK. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, the gentleman has been a law enforcement officer for many years in Michigan. I would just like to ask the gentleman, were the exceptions to the exclusionary rule sufficient while the gentleman was operating as a law enforcement officer? You have the good faith exception, you have the emergency exception, you have a number of provisions that it seems to me would allow any officer, even without a warrant, to be able to operate, and certainly in most cases to get a warrant from the magistrate.

Mr. STUPAK. Mr. Chairman, reclaiming my time, the requirement I always felt was proper, having spent 12 years there. If I may expand, warrants are not needed in exigent circumstances like hot pursuit. Consent searches, you do not need a warrant. Stop and frisk, you do not need a warrant. Before you place someone in your squad car to transport them, you do not need a warrant. Inventory searches upon arrest, you do not need a warrant. Automobile searches, you do not need a warrant. Independent sources, and I can go on and on.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise for the purposes of having the minority leader and the majority leader conduct a colloquy on the further order of business today.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHIFF) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 666) to control crime by exclusionary rule reform, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I take this time to inquire of the majority leader about consultations we have been having on trying to work out a procedure for the consideration of the rest of the crime bills.

Mr. Speaker, I yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. Let me preface my remarks by saying we have been having consultations, not only between the minority leader and myself, but between the chairman of the committee and the distinguished gentleman from Michigan [Mr. CONYERS] and other members of the committee, and the Committee on Rules, and they have been going well. So I think I can report to the Members with a high degree of confidence a probable schedule for today and the remainder of the week, with a few caveats interceded.

First of all, we expect to be able to finish the exclusionary rule reform today, and there is a very good likelihood we could be out by 7 o'clock this evening. We would begin tomorrow at 11 o'clock and, if necessary, we would finish the exclusionary rule.

We would then begin an attempt to finish the effective death penalty, subject to a unanimous-consent request that I will make in a moment that has been cleared on both sides of the aisle.

We ought to be able to be out tomorrow night by a reasonable time, about 8 o'clock possibly.

We should mention that in our proceedings tomorrow on the effective death penalty, there will be 6 hours in which we would consider amendments.

On Thursday, we would convene at 9 o'clock. We would have a limit on 1-minutes, and we would begin the discussion on prisons, and we could expect to go late Thursday night.

On Friday, subject to a unanimous-consent request, we would begin at 10 o'clock in the morning. We should be able to finish our discussion of the prison bill. The we would begin to attempt to finish the criminal alien deportation bill, trying to be out by 3. We will rise at 3 in any event on Friday and we may have to have a unanimous-consent request later on to facilitate that.

That would make it possible for us to convene the House at 2 o'clock next Monday and have a general debate that would allow Members to be sure they would not face a vote before 5 o'clock Monday afternoon. We would hope on Monday to finish the Criminal Alien Deportation act and begin local law enforcement block grants.

We should expect a late night next Monday. On Tuesday, we would convene at 11 o'clock and finish local law enforcement blocks grants, and Tuesday could be a possible late night.

Obviously, we have been receiving, I think, very good dialog, debate, and cooperation from all Members. Certainly the discussions between the leadership teams, not only in the committee and the minority leader's office as well as mine, have gone well. So let me just encourage the Members to know this represents what we consider to be a highly probable schedule outcome, and clearly we will try not to surprise anybody. I think the 3 o'clock departure on Friday is something they can by very certain about, and they can be quite confident they would face no votes before 5 on Monday.

With those comments, I would yield back.

□ 1620

Mr. GEPHARDT. I thank the gentleman. I would just like to add some other items that we have been discussing. One was that we would like to be able to have an hour of general debate on the prisons bill by unanimous consent, if we can get it, on Wednesday. We would also hope to have the House convene at 9 a.m. on Friday and would be willing to agree to limit 1-minutes, if that would be helpful to get us started on that day at an earlier point.

Obviously, we have got to get some unanimous-consents to get rules up. We would like to finish the criminal alien deportation bill on Friday so that Monday could be dedicated to the law enforcement block grants, along with Tuesday. Obviously, we have to get a unanimous-consent. And we have to agree to the rule.

We would like to have open rules, but we are willing to agree to some time limits which we can talk among ourselves with the Committee on Rules about so that we can assure everyone that we can finish these bills when the gentleman would like to finish them on the schedule. But having an open rule and requiring us to discipline the amendment process would be a good way for us to proceed.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, the gentleman is correct. I do need to correct my earlier statement.

On Thursday, the House will convene at 10 and there will be a limit on 1-minutes. And we will be asking unanimous consent presently for Friday, for the House to convene at 9.

Mr. GEPHARDT. I thank the gentleman.

HOUR OF MEETING ON FRIDAY, FEBRUARY 10, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent then when the House adjourns on Thursday, February 9, 1995, it adjourn to meet at 9 a.m. on Friday, February 10, 1995.

The SPEAKER pro tempore. (Mr. SCHIFF). Is there objection to the request of the gentleman from Texas?

There was no objection.

PROCEDURE FOR CONSIDERATION OF H.R. 729, THE EFFECTIVE DEATH PENALTY ACT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the bill, H.R. 729, be considered in the following manner:

The Speaker at any time may declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 729) to control crime by a more effective death penalty, and that the first reading of the bill shall be dispensed with. All points of order against consideration of the bill shall be waived. General debate shall be confined to the bill and shall not exceed 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate, the bill shall be considered for amendment under the 5 minute rule for a period not to exceed 6 hours. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute ordered reported by the Committee on the Judiciary, and all points of order against the substitute shall be waived. The committee amendment in the nature of a substitute shall be considered as having been read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXCLUSIONARY RULE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 61 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 666.

□ 1624

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 666) to control crime by exclusionary rule reform, with Mr. RIGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier, pending was amendment No. 3 offered by the gentleman from Michigan [Mr. CONYERS].

Is there further debate on the amendment offered by the gentleman from Michigan?

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to point out, first of all, that the amendment offered by the gentleman from Michigan, if enacted into law ultimately, allows for a good faith exception to the exclusionary rule. I understand the gentleman makes a distinction between how his amendment is worded and how H.R. 666 is now worded. I will address that in a moment.

But I want to point out that both H.R. 666 and the amendment of the gentleman from Michigan would codify in some form a good faith exception to the exclusionary rule. My point, obviously, is that if all constitutional rights are not going to come to an end under the amendment of the gentleman, which allows a good faith exception to the exclusionary rule, all constitutional rights are not going to come to an end under H.R. 666.

Let me more precisely address the difference between the amendment from the gentleman from Michigan and this bill.

Basically, though there is another exception in the gentleman's amendment, basically the gentleman's amendment would codify the Leon case which allows this good faith exception when there is a warrant used by a police officer and that warrant is later determined to be invalid. But the point

of our bill, H.R. 666, goes to what the previous speaker stated, before we resolved into the House of Representatives for other business, and that is, not every search requires a search warrant. There are a list of exceptions where a search can be perfectly legal just as an arrest can be perfectly legal without a search warrant.

The point we have here comes down to the same idea on a good faith occurrence. If in the course of a search an officer on an objectively reasonable basis believes that a search is legal without a search warrant, not an arbitrary basis, not a capricious basis, but a reasonably objective basis comes to that conclusion, it serves no purpose under the entire theory of the exclusionary rule, which is to deter misconduct by police officers, to at that point exclude the evidence.

That is why H.R. 666 is better as written than it would be as amended by the amendment of the gentleman from Michigan. That is why I urge rejection of that amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words. I rise proudly in support of the gentleman's amendment.

Mr. Chairman, I want to have a colloquy with the gentleman from Michigan, because he is getting beat up here on the floor. The way I understand the gentleman's amendment is that it does absolutely nothing but codify the Leon decision, which we hear praised over there. But then when we offer it, we hear it attacked. So I am a little bit confused.

I also thought we got a little window into the fact that we were correct in that if we adopt H.R. 666 without the gentleman's amendment, what we are really saying is people can go around and do massive searches in neighborhoods or anything they want and if they come up with something, then they can go ahead and prosecute, that there really would be no reason to ever bother to get a search warrant in the future.

I have just heard the gentleman from Michigan's amendment being attacked around here, and I think it is only fair for the gentleman to have some time to explain it, because I, the way I read it, I have been reading it and reading it and it looks to me just like the codification of Leon decision.

Would the gentleman please answer?

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I am very happy that the gentlewoman has again put her finger on precisely what is in difference over this H.R. 666. Because we have now, and I think the other side will agree, we have all kinds of exceptions written into the exclusionary rule already.

□ 1630

This includes destruction of evidence, imminent danger to law enforcement officers, stop and frisk laws in automobiles, including trunks, which the police can stop. We have the fleeing felons exception. We have the plain view exception, where if we see illegal evidence or a stash of drugs and they are in plain view, or guns, the police officer is perfectly permitted to act.

However, what we do not have is an officer using his own objective, reasonable good faith to determine whether he should do something over and above these exceptions. Therefore, the gentlewoman is absolutely correct.

In Leon there was a writ given by the magistrate that turned out to be subsequently invalid. In that case, we said that the police officer operated in good faith, and therefore the evidence could be excluded.

However, what they are saying is, let us get rid of any warrants at all by the magistrate, and let us let the police officers' own reasonable good faith be the test. In other words, each law officer would become the judge under this exception, which is nowhere to be found in Leon.

Mrs. SCHROEDER. Mr. Chairman, the other thing I would like to ask the gentleman about is, when I was discussing this before, I said ''OK, if we do not pass the gentleman's amendment, and police officers can go around and search at will, then if they find something, they are not worth their pay if they cannot figure out some probable cause or something to cover it up.''

How do we as individuals then protect ourselves from unreasonable searches and seizures? Is the gentleman aware of any criminal prosecution in the United States that has ever gone on against any law enforcement officer anywhere, for illegally searching someone's home?

Mr. CONYERS. If the gentlewoman will yield again, Mr. Chairman, the whole idea of us not checking with a magistrate in the beginning and getting an OK, or using one of the exceptions, we will have then eviscerated the exclusionary law as it exists, because then there will not be any need. Every officer can use his own judgment.

Now whether somewhere in some jurisdiction in some State, some police officer, has been nailed, I cannot tell. All I am saying is, why do we not correct the problem on the front end, instead of waiting for some hapless citizen to have to go into court, and maybe years later it will be determined that the police officer was wrong?

Mrs. SCHROEDER. Mr. Chairman, I think the gentleman is correct. As I remember our hearings, we asked some of the prosecutors that showed up, some of the district attorneys, if they were aware of any cases in the court of law enforcement officers being prosecuted for illegally searching and seizing, and they said no, not to their knowledge, either.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 5 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, the reason I feel so strongly about this is, the gentleman from Missouri was on the floor talking before about ATF being able to run through people's homes looking for guns. If they find nothing, then OK, that is the end of it. If they find something, then they go after the person.

That is a real invasion of our rights, as our forefathers knew them. I stand here as a person who the FBI came trooping through my house over and over with an agent named Timothy Redford.

When I first started running in 1972, we kept having break-in after break-in after break-in, and we really were terrified. We though they were trying to maybe kidnap the children, because we could not find anything that was missing. We could just see that they had broken in, through the window or through whatever, we had no idea what was going on. They were breaking into the cars. We saw nothing missing.

Many years later, under the Freedom of Information Act, I found that the FBI had hired this Timothy Redford to break into our house. The things that he had gotten at taxpayer expense was the fact that I belong to the League of Women Voters and I paid duesthere, the fact that I had been a Girl Scout, the fact that my husband was a lawyer.

These were incredible things. There were 50 pages of incredible revelations, that if he had ever come to my campaign office, we would have told him. However, the main thing he found was a campaign button that said ''Pat Schroeder: She wins, we win.'' He thought that was probably a Communist slogan, so therefore, he thought he had reasonable cause to go running through my house.

Mr. Chairman, granted, he found nothing illegal. My word, there is nothing in our house, unless dust kittens are illegal. We have those that weigh 10 tons. However, beyond that, I do not think there is anything illegal in my house, but if he had, under this amendment they could then prosecute. However, in the interim, as a citizen I have no recourse to that.

I really think one's home is one's castle. What we are doing without the amendment of the gentleman from Michigan [Mr. CONYERS] is saying there is a license for law enforcement people to go out and search and seize on anything, whether it is a campaign button or whether you look suspicious or whether you happen to live in a neighborhood that they think has a taint of crime or whatever. If they find something, you bet they are going to make a good case for why they do it, so why would they ever get a warrant?

The second point the gentleman from Michigan makes is, the courts have common sense. Guess what, these guys did not come to town on a turnip truck. Most of them have been prosecutors or defense lawyers before they sat on the bench, and they have allowed evidence to be accepted when it was in

plain view, when you were in hot pursuit, when there were all sorts of things that would make a reasonable exception.

Therefore, the question is, are we going to tear up the 4th amendment, or are we going to continue to believe that one's home is one's castle.

Mr. CONYERS. If the gentlewoman will continue to yield, first of all, the gentlewoman has revealed out of her own experience an absolutely shocking situation, as a Member of Congress and a distinguished person in her own State and the country, that this could happen to her.

Mr. Chairman, what about a citizen anywhere? Do Members know what their remedy would be? They would have to go get a lawyer, file a civil suit. They obviously are going to have to pay for it. It would be a long, protracted piece of litigation, and there are very, very few people that would have the well of the House of Representatives to make clear the kind of horror stories that could occur.

The average citizen is, in effect, without remedy if H.R. 666 would be applied, because this is what is happening without it. What this bill would do would be make it legal and permissible for an officer then to come before the court and say ''I used objectively reasonable good faith in trying to determine that we should break into the Schroeder house because we thought we might find something.''

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, I totally agree with the gentleman. I think one of the things that happens here is everybody sits around and says ''This could not happen to me.'' I must say, it was a very shocking day when I found out many years later what was happening. It can happen to anybody.

Mr. Chairman, there is absolutely nothing that says that times do not change or people cannot draw all sorts of deductions.

The gentleman from Virginia [Mr. SCOTT] had a very interesting dialog during the hearing with one of the witnesses talking about if they stopped his car and searched it on 395 and found nothing, did he have a recourse. The answer is no. That is why this amendment is so important.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill and in opposition to the amendment.

Mr. Chairman, I just want to point out that the committee bill does not validate searches and seizures that are made in bad faith. The court will make that determination.

It seems to me under the scenario the gentlewoman just recited, she would have a great lawsuit. She is a lawyer, and her husband is a lawyer. I am sure they know lots of lawyers. They must consort with lawyers. I cannot imagine why a good, healthy lawsuit did not ensue. Police are sued every day. If they intrude, if they trespass, they have no more rights than anybody else.

However, Mr. Chairman, what we are talking about is a good faith arrest. I can conceive of a situation where two men are on the street with a policeman nearby and one of them pulls a gun. What he is doing is showing his friend his gun that he just bought, but the policeman thinks this is a holdup, jumps the guy with the gun, and in searching him, finds cocaine in his pocket.

Mr. Chairman, under the committee bill, that cocaine would be admissible in a trial. Under the exclusionary rule, it would not. Who is penalized by the exclusionary rule as it presently is employed? The people. The people are victimized, nobody else, just the people.

□ 1640

The principle of Leon is to be distinguished from the terms of Leon. Leon stands for the principle that there is nothing sacred about the exclusionary rule and if the law enforcement officer made a good faith effort to make a reasonable search and seizure, to be determined by an objectively reasonable standard, then the evidence shall not be suppressed.

Yes, it tilts toward the public, it tilts toward the victims of crime. It no longer tilts toward the accused. But what is more unjust than suppressing evidence that should lead to a conviction of a serious crime because of some technical difficulty? We are addressing that.

Any time they invade the gentlewoman's house again, I would like that case, and I would do it pro bono for the gentlewoman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. May I reacquaint the gentleman, because he is a distinguished member and chair of the committee, of the United States versus Watson, in which it has been held as inviolate law that arrests in public areas where there is probable cause does not require any warrant whatsoever.

Mr. HYDE. The key words are ''probable cause.''

Mr. CONYERS. When a person pulls a gun in the presence of a law enforcement officer, I say to the gentleman from Illinois [Mr. HYDE], he does not have to go to a magistrate to determine whether he can arrest him. He is also in imminent danger of his life, in addition. That is two requirements.

Mr. HYDE. Let us say he is hugging his wife and the policeman thinks that sexual harassment is going on in front of him. Incident to arresting or halting that, he discovers narcotics. I want that to go into evidence. You want it suppressed.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. BERMAN. Is there any question but that pursuant to the lawful arrest and a search when you find evidence, when there is probable cause for the arrest, the search incident to the arrest, the evidence produced of another crime is admissible? I would like to know the case that excludes that evidence. If it is a search incidental to a lawful arrest, it is admissible. We do not need this bill for that.

Mr. HYDE. It would not be a lawful arrest if no crime were being committed and no crime was being committed in exhibiting the gun to his friend. There was no crime.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I do not quite understand. You can have a lawful arrest and then defend yourself. But it would be a reasonably lawful arrest, and then the person could present what was really happening. It is not like you can only arrest a person unless it is 100 percent proof in court, and under a lawful arrest, you are allowed to do a lawful search.

Mr. HYDE. But there could be an unlawful arrest, however, but made in good faith, under misapprehension of the facts, misapprehension even of the law. But if it is made in good faith as determined by the court under an objectively reasonable standard, then we have reached a crossroads. You want the evidence suppressed. We want the evidence admitted.

Mrs. SCHROEDER. If the gentleman would yield further, I still cannot figure out what an unlawful arrest would be unless you just saw someone walking down the street and arrested them.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, when the court originally came down with the exclusionary rule, it recognized that this is not a good rule in some abstract sense. It is forcing the exclusion of evidence which was seized which could show that an individual may have committed a crime. But they went through a whole process of pointing out that without this kind of rule, there was no other effective deterrent to unlawful searches and seizures, there was no other effective way of protecting an individual's fourth and fourteenth amendment rights to privacy and against unlawful searches and seizures.

If the proponents of this bill and the opponents of the Conyers amendment would propose a series or any remedy which was effective in protecting an individual and giving him some recourse against unlawful searches and seizures which would provide the kind of deterrent that would make those fourth amendment rights meaningful, I think everybody in this House would agree in a second to get rid of the exclusionary rule because of the problems with the exclusionary rule. But when the gentleman from Illinois talks about a lawsuit against the police, the evidence is

replete that for all kinds of reasons, the absence of demonstrating monetary damages, the time it takes, the difficulty in establishing any proof, civil remedies in the traditional courts against a policeman for an unlawful search are not effective. They are not a deterrent.

Surely within the context of discipline, statutory kinds of remedies, you might want to explore the possibility of providing an alternative that provides that kind of effective deterrent. But I have never heard the proponents of doing away with the exclusionary rule takes any serious time to try and create more effective remedies that would constitute that deterrence.

That was the very heart of what the court said when they came down with the exclusionary rule. In effect they said, ''We don't like it but we don't know how to provide a meaningful deterrent against unlawful searches and seizures without that rule.''

I suggest that if people would get together and try to come up with those effective remedies, there would be a much better approach towards doing this then keeping the exclusionary rule.

But so far no one who wants to do away with it comes up with effective alternatives. I think it is a big mistake.

I also want to make one other point. The difference between objective and subjective. I am happy to see the committee report spent some time clarifying the objective standard. But the fact is when you talk about what a police officer thought at the time, I would suggest these may be words but it may not have any real meaning. In the end, you may really be giving to the police officer the final decision on whether or not he thought that search was in good faith, and we will slide very quickly to the intent to provide an objective standard to the reality in the courtroom of a subjective standard which rewards a lack of knowledge about search and seizure law, it promotes and encourages not knowing the specifics of what is permitted and what is not permitted. I do not think it is a healthy standard to give real meaning to the fourth amendment protections.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from California for his discourse, because what he has revealed is this: We have almost a dozen exceptions that come to mind, including the one by the chairman of the Committee on the Judiciary who was not aware of the fact that a law officer does not have to go get a warrant or see a magistrate if someone in public pulls a gun out. That has been tested and is hard law.

But when we take the Leon case and all of the exceptions: stop and frisk, the fleeing felons, hot pursuit, plain view, good faith, arrests in public areas, what on Earth else do they want to be excluded from an exclusionary rule that would lead them not to support codifying Leon as this amendment of mine does, what other exceptions are they looking for?

What they are doing is only one thing in my judgment: Transferring the test of reasonable good faith from the magistrate to the police officer. That is the one limit that I cannot go to because it in effect eviscerates whatever else is left of the exclusionary rule.

Mr. BERMAN. If I may reclaim my time, I agree, and it does so without providing any effective alternative to protect that individual's fourth amendment rights.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to accomplish two purposes: First to congratulate the gentleman from Michigan for bringing the amendment to the floor, and then to announce that I will oppose that amendment.

Why do I congratulate him? It appears that the gentleman from Michigan is for the first time since I have been in the Congress espousing a return at least to sanity in the warrant search and seizure realm of the law enforcement and agrees through the proposition of his amendment that a good faith exception shall exist in the warrant arrest. That is a great departure from all that we have heard for 12 years in this Chamber, particularly from the colleagues of the gentleman from Michigan. But I congratulate him on doing that. Because we have come a long way, baby, if indeed you come and plead with the House to pass an amendment that would provide a good faith exception to a warrant arrest.

□ 1650

I am exorbitantly pleased at the gentleman's gesture, but at the same time, I want to tell the gentleman the second part and he may not want me to yield. I oppose the amendment because it goes against the purpose of the main bill, namely, to extend that good faith exception, that trust that we want to reside in the law enforcement officer when he acts in good faith in warrantless situations. We know that in several jurisdictions the warrantless good faith exception has already been installed in the intermediary Federal courts, and so, if we adopt the amendment of the gentleman, we would be, in effect, taking a step backwards from the upward march of the good faith exception in the warrantless situations, which has already been blessed by some of the intermediary Federal courts.

Mr. Chairman, nothing infuriates the public more than the spectacle of a criminal standing before the judge, facing his prosecutors and learning right there in open court that his case, where he was caught red-handed in a burglary, red-handed in an assault, red-handed in some heinous crime, to find that the judge dismisses his case right there in open court for the sake of a technicality that we have seen over and over and over again. That infuriates the American public in itself, and then doubles the fury when we see that criminal walking out of court, in effect literally and figuratively laughing at the judge, laughing at the prosecutor, laughing at the witnesses who testified against him, laughing at the system of justice, and perhaps encouraging him to commit the same kind of offense later, knowing, sophisticated criminal that he might be, that he can escape justice on a technicality.

What we are about here today is to put some fear of God in that criminal, and remove the technical release from the prison of the hardened criminal and to allow our law enforcement community in whom we have faith to bring about a sense of safety in the streets in a good faith exception to the exclusionary rule. That is not too much to ask.

Let us defeat the gentleman's amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Having said that, I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, first of all I am always pleased to receive congratulations from my colleague from Pennsylvania with whom I have worked on these matters across the years.

May I remind the gentleman that intermediate court decisions are secondary at best to Supreme Court decisions on this subject. And that anybody that is caught red-handed would be brought within the exclusion to the exclusionary rule, known in the Supreme Court case as Washington versus Chrisman, where anything that happens criminally in plain view vitiates the need for any kind of a warrant.

Finally, could the gentleman give me one example where H.R. 666 would operate in a different way from the amendment that I have before the gentleman and which is current law?

Mr. GEKAS. Seizing back my time, I will be glad to prepare a white paper for the gentleman and outline it.

Mr. CONYERS. No; right here on the floor.

Mr. GEKAS. The issue at hand is whether or not we want to extend the good faith exception to the warrantless arrests. That is the issue.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia for yielding.

What the gentleman from Pennsylvania has proved here today is he cannot tell us why he would change the existing law, which I am codifying by amendment in the Leon case. He does not have an example, because we have already given dozens of exceptions to the exclusionary rule and there is not one he can even make up now on the floor or ever that would justify what

they are trying to do to the exclusionary rule, and I thank my friend for yielding to me.

Mr. SCOTT. Mr. Chairman, the proposed Conyers amendment seeks to codify the 1984 Supreme Court decision in United States versus Leon, where the Court held that the exclusionary rule should not be used to bar evidence gathered by officers acting in a reasonable reliance on a search warrant issued by a magistrate but ultimately found to be improper. Although this amendment in and of itself dilutes the exclusionary rule, I support it for it does far less damage to fourth amendment rights than the bill before us and does not go further than what is already current Supreme Court case law.

On the other hand, Mr. Chairman, the underlying bill is a radical departure from established precedent and would radically extend the permissibility of warrantless searches. It would allow evidence gathered from warrantless searches to be admitted. Indeed, the Leon court explicitly states that it strongly prefers searches with warrants to warrantless searches, because the process of obtaining a warrant, that process by itself provides safeguards against improper searches.

Mr. Chairman, the fourth amendment allows the State to breach the individual's right to privacy only when the amendment's rules are followed.

As Justice Oliver Wendell Holmes said, the fourth amendment protects the individual's legitimate expectation of privacy—''the right to be let alone—the most comprehensive right and the right most valued by civilized man.''

The heart of the fourth amendment is the issuance of a warrant based on probable cause. In obtaining a warrant the police officer goes before a magistrate and shows that the totality of the circumstances indicate that there is evidence of a crime, in effect, that he has probable cause. The cost of conducting constitutional searches is not high. The process of obtaining a warrant is not cumbersome for police. It has been shown that a magistrate will take an average of 2 minutes and 45 seconds to approve a search warrant. The vast majority—over 90 percent—of warrant applications are approved. Police officers can even obtain a warrant over the telephone.

Critics of the exclusionary rule exaggerate its practical significance in the disposition of cases. They talk vaguely of enormous numbers of criminals walking because evidence either was or probably will be excluded. This argument is simply not supported by responsible statistical studies. Adherence to the fourth amendment and use of the exclusionary rule does not result in large numbers of criminals being set free. For example, a study by the Comptroller General's office found that suppression motions were granted in only 1.3 percent of Federal cases.

The leading commentator on search and seizure law has found that,

> . . . the most careful and balanced assessment of all available empirical evidence shows that . . . the cumulative loss in felony cases because of prosecutor screening, police releases and court dismissals attributable to the acquisition of evidence in violation of the Fourth Amendment is from 0.6% to 2.35%. (W. LaFave, ''The Seductive Call of Expedience: U.S. v. Leon, Its Rationale and Ramifications,'', 1984 Ill. L. Rev. 895, 913.

Historically, searches without warrants were judged unreasonable and illegal. Only under certain tightly defined circumstances were warrantless searches considered legal. Today, the basic rule holds. Warrantless searches are allowed only in the unusual circumstances, as the ranking Member, Mr. CONYERS, has indicated.

Mr. Chairman, H.R. 66 would allow so called good faith warrantless searches. This would mean the demise of the warrant process, and its attendant protection. Instead of a warrant issued upon probable cause, we would have good faith. The bill would mean that good police practice would be discouraged. It would be unnecessary for police officers to prepare an affidavit requesting a warrant from a neutral magistrate. The determination of whether probable cause exists would no longer be made before the search, as I believe is consistent with the letter and spirit of the fourth amendment. There would be after-the-fact determination of whether or not the police officers acted in so-called good faith.

There is no substitute, Mr. Chairman, for the fourth amendment. We know police officers will always be able to make up after-the-fact excuses for the search. The fourth amendment protects the innocent public from illegal searches. Police should not conduct illegal searches, they should not conduct illegal arrests. The exclusionary rule removes the incentives that they would have for such law breaking.

In summary, Mr. Chairman, the Conyers amendment maintains a balance to protect innocent people from illegal searches, and I urge the House to adopt it.

Mr. RUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this exclusionary rule, this move to enact H.R. 666. Mr. Chairman, as I sat in my office and listened to the debate, I must tell Members of this body that I became more terrified about this piece of legislation than I have been about any legislation that I have been asked to consider as a Member of this body since I was elected to this office representing the First Congressional District of Illinois.

Mr. Chairman, I believe that I am the only Member of this body to ever have been victimized by illegal search and seizure by a member of the police force in this Nation, the city of Chicago police force.

A little over 25 years ago, Mr. Chairman, there was an illegal search and seizure conducted by the Chicago Police Department within the city of Chicago.

□ 1700

As a result of that illegal search and seizure, admittedly illegal search and seizure by the Chicago Police Department, two individuals were killed, seven individuals were wounded. They also, the survivors of that particular raid in the city of Chicago, had the right to sue. They did sue. The county of Cook settled out of court, but it did not bring life back to the two individuals who were killed. That was December 4, 1969.

December 5, 1969, Mr. Chairman, my apartment was also raided illegally, supposedly in search of guns. They did not come with a warrant. They came with weapons pulled, weapons blazing. They shot my door down.

Fortunately I was not at the apartment. My family was not at the apartment at that time. They entered my apartment, did not find any weapons, but yet and still, they justified it, Mr. Chairman, Members of this body, by saying that they, in fact, did find contraband in my apartment; they did find a bag of what they identified at the time, a bag of marijuana in my apartment.

Mr. Chairman, upon further research and upon actions by my attorneys at the time, my attorneys took them to court, and in court they indicated that that bag of marijuana where they had shot my door down, guns blazing, threatening; had I been there, I would have been killed also, and my family would have been killed, wiped out totally, they found that that bag they called marijuana was nothing more than bird seed.

Mr. Chairman, Members of this body, there is no such thing as giving the police force exclusionary rights. Those individuals who are advocates of this particular measure, they can rush to judgment, they can rush to enacting this piece of legislation simply because of the fact that it might look good on their resume to their voters in their districts, it might sound good in terms of being politically correct, and that they are tougher than tough in regards to enforcing the laws of this Nation. It might sound like they are friends of the police departments, and we all understand that the police departments are under siege right now from a number of sources throughout the Nation.

But, Mr. Chairman, in human context, in human terms, this legislation in more instances than not would mean life and death for certain individuals, individuals who have been ostracized, cast aside by law enforcement officers and by the status quo.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RUSH] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. RUSH was allowed to proceed for 3 additional minutes.)

Mr. RUSH. Mr. Chairman, I must say to you that although at the time, 25 or more years ago, a little over 25 years ago, back in the city of Chicago we felt

as though we had no friends. We felt as though the power of this Nation was coming down on our backs as young men who felt, young men and young women, who felt that we wanted to challenge the status quo.

I must say that it was Members of this body led by the distinguished gentlemen from Michigan who did come into Chicago, the Congressional Black Caucus, and put the skids, put the skids on the type of police atrocities and police violations of the law and police murder that was occurring in the city of Chicago, put the skids on that. They came in, and they conducted a hearing, and because they did focus national attention on what was happening in Chicago, police forces there backed up and subsequently were found, they admitted, that they had no legal grounds to murder two individuals, and so they had no legal grounds to come into my apartment to seize and to search and seize in my apartment and to charge me with a felony of which it was baseless. It was groundless. It was only an excuse, only an excuse, Mr. Chairman, to take my life away.

I must tell you that today that is the issue that is at stake for many, many Americans, whether or not we are going to have police forces throughout this Nation, any police force, given the arbitrary power for political reasons to invade someone's privacy, to invade their homes under the guise of arbitrary decisions that they want to make.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RUSH. I yield to the gentleman from Michigan.

Mr. CONYERS. I want to commend the gentleman, because it takes a great deal of courage to go back into the past in very terrible times that were going on in Chicago, the Fred Hampton massacre and others, yourself who fought a very noble fight.

But is not it true that in cities like Chicago the police can go to a magistrate at any point 24 hours a day, 7 days a week; they are on duty, that for any reason whatsoever that they needed to go into your apartment or anybody else's, they could get a search warrant and if they had a reason, if they did not have a search warrant, they have all of these other exceptions that could have been used, and none of them apply to you?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RUSH] has again expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. RUSH was allowed to proceed for 1 additional minute.)

Mr. RUSH. Mr. Chairman, the gentleman's inquiry is absolutely correct. Right now in the city of Chicago, the police are authorized to go to any judge, be they a sitting judge or be they any other type of judge, they can go to a judge on a 24-hour basis, any judge within the city of Chicago, any judge within the county of Cook, any Federal magistrate. They can go to any judge and get a warrant to enter into anyone's home to search anyone's home or vehicle or whatever, their private possessions. They do have that authority at this moment in time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 291, not voting 5, as follows:

[Roll No. 98]

AYES—138

Abercrombie	Gonzalez	Orton
Ackerman	Green	Owens
Baldacci	Gutierrez	Payne (NJ)
Barrett (WI)	Hall (OH)	Pelosi
Becerra	Hastings (FL)	Pomeroy
Beilenson	Hilliard	Poshard
Bentsen	Hinchey	Rangel
Berman	Hoyer	Reed
Bishop	Jackson-Lee	Reynolds
Bonior	Jefferson	Richardson
Boucher	Johnson, E. B.	Rivers
Brown (CA)	Johnston	Rose
Brown (FL)	Kaptur	Roybal-Allard
Brown (OH)	Kennedy (MA)	Rush
Bryant (TX)	Kennedy (RI)	Sabo
Cardin	Kennelly	Sanders
Clay	Kildee	Sawyer
Clayton	Kleczka	Schroeder
Clyburn	LaFalce	Schumer
Coleman	Lantos	Scott
Collins (IL)	Levin	Serrano
Collins (MI)	Lewis (GA)	Skaggs
Conyers	Lofgren	Slaughter
Coyne	Lowey	Stark
DeFazio	Maloney	Stokes
DeLauro	Markey	Studds
Dellums	Martinez	Stupak
Dicks	Matsui	Thompson
Dingell	McCarthy	Thornton
Dixon	McDermott	Thurman
Doggett	McKinney	Torres
Durbin	Meehan	Torricelli
Engel	Meek	Towns
Eshoo	Menendez	Tucker
Evans	Mfume	Velázquez
Farr	Miller (CA)	Vento
Fattah	Mineta	Visclosky
Fazio	Minge	Volkmer
Fields (LA)	Mink	Ward
Filner	Moakley	Waters
Flake	Mollohan	Watt (NC)
Foglietta	Nadler	Waxman
Ford	Neal	Williams
Furse	Oberstar	Wise
Gejdenson	Obey	Woolsey
Gibbons	Olver	Wynn

NOES—291

Andrews	Boehlert	Chapman
Archer	Boehner	Chenoweth
Armey	Bonilla	Christensen
Bachus	Bono	Chrysler
Baesler	Borski	Clement
Baker (CA)	Brewster	Clinger
Baker (LA)	Browder	Coble
Ballenger	Brownback	Coburn
Barcia	Bryant (TN)	Collins (GA)
Barr	Bunn	Combest
Barrett (NE)	Bunning	Condit
Bartlett	Burr	Cooley
Barton	Burton	Costello
Bass	Buyer	Cox
Bateman	Callahan	Cramer
Bereuter	Calvert	Crane
Bevill	Camp	Crapo
Bilbray	Canady	Cremeans
Bilirakis	Castle	Cubin
Bliley	Chabot	Cunningham
Blute	Chambliss	Danner
Davis	Johnson (CT)	Portman
de la Garza	Johnson (SD)	Pryce
Deal	Johnson, Sam	Quillen
DeLay	Jones	Quinn
Deutsch	Kanjorski	Radanovich
Diaz-Balart	Kasich	Rahall
Dickey	Kelly	Ramstad
Dooley	Kim	Regula
Doolittle	King	Riggs
Dornan	Kingston	Roberts
Doyle	Klink	Roemer
Dreier	Klug	Rogers
Duncan	Knollenberg	Rohrabacher
Dunn	Kolbe	Ros-Lehtinen
Edwards	LaHood	Roth
Ehlers	Largent	Roukema
Ehrlich	Latham	Royce
Emerson	LaTourette	Salmon
English	Laughlin	Sanford
Ensign	Lazio	Saxton
Everett	Leach	Scarborough
Ewing	Lewis (CA)	Schaefer
Fawell	Lewis (KY)	Schiff
Fields (TX)	Lightfoot	Seastrand
Flanagan	Lincoln	Sensenbrenner
Foley	Linder	Shadegg
Forbes	Lipinski	Shaw
Fowler	Livingston	Shays
Fox	LoBiondo	Shuster
Frank (MA)	Longley	Sisisky
Franks (CT)	Lucas	Skeen
Franks (NJ)	Luther	Skelton
Frelinghuysen	Manton	Smith (MI)
Frisa	Manzullo	Smith (NJ)
Funderburk	Martini	Smith (TX)
Gallegly	Mascara	Smith (WA)
Ganske	McCollum	Solomon
Gekas	McCrery	Souder
Geren	McDade	Spence
Gilchrest	McHale	Spratt
Gillmor	McHugh	Stearns
Gilman	McInnis	Stenholm
Goodlatte	McIntosh	Stockman
Goodling	McKeon	Stump
Gordon	McNulty	Talent
Goss	Metcalf	Tanner
Graham	Meyers	Tate
Greenwood	Mica	Tauzin
Gunderson	Miller (FL)	Taylor (MS)
Gutknecht	Molinari	Taylor (NC)
Hall (TX)	Montgomery	Tejeda
Hamilton	Moorhead	Thomas
Hancock	Moran	Thornberry
Hansen	Morella	Tiahrt
Harman	Murtha	Torkildsen
Hastert	Myers	Traficant
Hastings (WA)	Myrick	Upton
Hayes	Nethercutt	Vucanovich
Hayworth	Neumann	Waldholtz
Hefley	Ney	Walker
Hefner	Norwood	Walsh
Heineman	Nussle	Wamp
Herger	Ortiz	Watts (OK)
Hilleary	Oxley	Weldon (FL)
Hobson	Packard	Weldon (PA)
Hoekstra	Pallone	Weller
Hoke	Parker	White
Holden	Pastor	Whitfield
Horn	Paxon	Wicker
Hostettler	Payne (VA)	Wilson
Houghton	Peterson (FL)	Wolf
Hutchinson	Peterson (MN)	Wyden
Hyde	Petri	Young (AK)
Inglis	Pickett	Young (FL)
Istook	Pombo	Zeliff
Jacobs	Porter	Zimmer

NOT VOTING—5

Allard	Gephardt	Yates
Frost	Hunter	

☐ 1726

On this bill:

Mr. Gephardt for, with Mr. Allard against.

Messrs. COSTELLO, BARCIA, and DICKEY changed their vote from ''aye'' to ''no.''

Mr. TORRES and Mr. GONZALEZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WATT of North Carolina: Page 2, line 13, strike all after the word ''States,'' and insert the following:

''provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

Mr. WATT of North Carolina. Mr. Chairman, Members of the House, this amendment would simply have the effect of providing that evidence could be admitted into court after a search and seizure providing that the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched.

☐ 1730

If this language sounds familiar to the Members of this body, it is the exact language of the fourth amendment of the U.S. Constitution.

I want to start by thanking my cosponsors of this amendment, Mr. DEFAZIO and Mr. FIELDS, for jointly sponsoring this. We believe in the Constitution of the United States.

Mr. Chairman, after I addressed the body in general debate and after I addressed the body on the balanced budget amendment, several of my colleagues have asked me why I get so excited about the Constitution of the United States.

They ask me, ''Why are you so conservative when it comes to the Constitution of the United States?''

I respond to them that we all bring our different perspectives to this body. We all bring our different histories to this body. We heard an eloquent example of this during the last debate from the gentleman from Chicago [Mr. RUSH].

My history is this: I learned the Constitution from a constitutional specialist, Robert Bork. My friends on the other side may understand that. They know him well, a very conservative gentleman. I also studied under Professor Emerson.

These two gentleman were at opposite ends of the spectrum. But one thing they believed vigorously in was the Constitution of the United States. And when I started practicing law, it was not surprising that the first jury trial that I handled called into question the first amendment provisions, because I was called upon to represent the interests of a group of native Americans who had been demonstrating against attending school with black kids. And despite the fact that I disagreed with them in what they were demonstrating about, I thought they had a right to demonstrate and to the protection of their first amendment rights.

Later my law firm was called upon to represent the Ku Klux Klan when they were demonstrating, and we also protected their rights to demonstrate under the first amendment, despite the fact that we disagreed with what they were demonstrating about.

So my commitment to the Constitution does not have anything to do with whether I agree with somebody or disagree with somebody. My commitment is to defend the Constitution. And when I took the oath in this body, my commitment to that proposition continued.

It is a conservative philosophy which I espouse. I love the Constitution of the United States. Even when it is not convenient for me to love it, I still think it needs to be defended and protected, contrary to some of my colleagues, apparently, in this body.

For over 205 years now we have had this sacred language in the fourth amendment of the Constitution. It says that people ought to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures. Today my colleagues come in with new language, trying to add some other language that they would have the Supreme Court go back and interpret for 200 more years.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(At the request of Mr. WISE and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 3 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, it is my opinion that this bill is going to generate 200-plus more years of litigation, because the language justifying an objectively reasonable belief is no more precise than the language of the fourth amendment of the Constitution which exists currently.

My colleagues on the Republican side would have us believe that they can wave a magic wand and craft some language that is so clear, so crystal clear, that there will not be any litigation about it. But, my friends, the crafters of our Constitution drafted this language, and I would submit to you that my colleagues on the other side are no smarter than the drafters of the original Constitution and the Bill of Rights.

Mr. Chairman, I hope that we can fight to uphold the constitutional provisions. I do not know anybody in this body who can vote against this basic amendment. All it does is say we are going back to the fourth amendment of the U.S. Constitution. I hope anybody who will vote against this amendment will go home and look their constituents in the eye and say, ''I voted against the fourth amendment.''

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think everybody here needs to understand that though the gentleman may be acting quite in good faith, and I know he believes sincerely what he is doing, Members need to understand that this amendment guts the bill as it now is written altogether. While the gentleman is offering a provision of the Constitutional language that clearly is already there, and we might all want to say, ''Hooray, we are going to vote for that,'' what we have to realize is the gentleman is saying we are going to put it in a place in this bill that comes very early in the bill, after about three lines, and then strike the entire rest of the bill, H.R. 666, so there will be no good-faith exception for any purpose in this bill when it is done. All we will be doing is reproducing in bill form the fourth amendment to the Constitution.

In essence, it is another way of voting against this bill. If you want to vote the bill down, it is another way to proceed to do that.

It is demeaning, in my judgment, to the Constitution in the second order of things to go out and reproduce the Constitution or 1 of the 10 amendments in the Bill of Rights as a statute. It is in the most sacrosanct document we have. It is in our Constitution. I do not think it calls for any reproduction to ratify our belief in the Constitution in some statutory form.

So really there are two reasons to vote against this: If you believe, as I do very strongly, in wanting to reaffirm an exception to the exclusionary rule and expand that exception, which this bill does, to allow us to get more evidence in in search and seizure cases, and get more convictions and get away from technicalities letting people who have committed crimes off the hook, then you need to vote against this amendment.

☐ 1740

Because the amendment just does away with that possibility altogether. And by perhaps the interpretation somebody could place on it, it does not just do away with an expansion of that good faith rule, it is quite possible the Supreme Court would come in and say, ''aha, Congress has spoken and we have to do away with the good faith exception we have already carved out for cases where there are search warrants'' because we are presumably enacting this provision of the Constitution in conjunction with the debate we are having today and with language that talks about search and seizure evidence being admissible or not.

So I would submit to my colleagues on both sides of the aisle that this is a worse amendment than the preceding amendment we just voted down. This amendment goes further and potentially can destroy the entire concept of any exceptions to an exclusionary rule whatsoever. In other words, it could go all the way back and say, look, if there

has been any illegal search and seizure, even if done in good faith with a search warrant, it is out the window. Forget the Leon case. Forget any of those other cases.

I would urge my colleagues to defeat the amendment. It is offered, I know, in good faith, but it turns out to be very mischievous, guts this bill and should be defeated.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment and would respond to the previous speaker before me on the floor. The gentleman finds that somehow by substituting the exact wording of the fourth amendment to the Constitution, wording which the Supreme Court in its wisdom has interpreted and finds allows exceptions in cases of good faith with searches which involve warrants, the gentleman feels that by restating the fourth amendment that somehow we would overturn that judgment of the Supreme Court. That is an absurd argument.

The Supreme Court has rendered an opinion on these words previously and the Supreme Court has found a limited good faith exception in cases where warrants exist.

But what the other side would do here today is trash the fourth amendment to the Constitution by saying, no, even though the courts have not found exceptions in cases where there are warrantless searches, we feel that should happen. Or one gentleman mentioned some lower courts have found in some limited cases that warrantless searches might be acceptable. We have already talked at great length on this floor about where exceptions exist and have great precedent, and apparently there are perhaps some others coming up through the court. Let the Supreme Court render that judgment on the fourth amendment which has stood for more than 200 years.

Now, I perhaps suffer a disadvantage in this debate. I am not one of the many attorneys in the House of Representatives, but then again, nonattorneys outnumber attorneys still in this country, perhaps for a little while longer. Many of us are attached to the Bill of Rights in the Constitution, particularly the fourth amendment. And I believe that this goes to the issue of us being secure in our homes.

This is not about a drug deal on the street. It is not about two people hugging with a gun sticking out of their pocket or drugs in the park. It is not about that at all. It is whether or not someone, an officer of the law, has to spend 2 to 3 minutes on the telephone convincing a magistrate that they have probable cause before they kick down someone's door. I do not think that 2 or 3 minutes is an inconvenience. They already have many exceptions, when there is imminent threat, many exceptions when there is a crime in progress, many exceptions when they have a warrant.

But warrantless searches, broadly construed, are a threat to the security of the people of this country. And they certainly are a threat to the continued sanctity of the fourth amendment to the Constitution. So restating that amendment here in this law does not threaten the precedents and the exceptions that have been taken previously.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. The gentleman is really saying that without the seven exceptions created by the Supreme Court, the Constitution still requires that one gets a warrant.

Mr. DEFAZIO. That is correct.

Mr. CONYERS. And what that means then is that the gentleman's bill itself will soon be rendered unconstitutional. And I think that this proposal, which repeats the fourth amendment, will likely stand.

Mr. DEFAZIO. And it would certainly reinforce the exceptions, the seven exceptions already created by the Supreme Court and allow any other exceptions to be heard upon their merits, particularly these lower cases we heard vaguely referred to earlier.

What we would not do is sanctify warrantless searches. I do not believe, as a layperson, in a body and before these many esteemed lawyers, that my constituents want to see this country move toward a system of warrantless searches. That is what this legislation before us would do.

I urge my colleagues to support this amendment. And if this amendment fails, to vote against 666.

Mr. FIELDS of Louisiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment because it is an amendment that makes a lot of sense and is an amendment that this body should adopt.

Let me give Members a couple reasons why. The gentleman to my right mentioned that there were no constitutional problems with this bill as it is. But let me just read one portion of the bill that I find a very significant constitutional flaw with.

And that is on line 8, it starts by saying:

> Evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the ground that the search or seizure was in violation of the fourth amendment of the Constitution.

What this bill actually would do, this bill would basically make the fourth amendment of the Constitution moot. And I do not think that this body, first of all, has the legal responsibility nor the right to violate the Constitution by making an amendment of the Constitution moot. So, therefore, I think the bill in itself is unconstitutional, not to mention unconscionable.

We talk about this bill being a bill to deal with the criminals. The biggest criminal act is the passage of this piece of legislation. Because what we are doing to the poor citizen on the street, we are telling them that they have less rights. They cannot have a fourth amendment to the Constitution. They cannot have that protection, if a law enforcement officer chooses to knock their door down or to pull them on the side and search their belongings, go into their home and search their belongings without a warrant. I think that is simply unconscionable, not to mention unconstitutional. So I would urge the Members of this body to actually look at the Constitution before we pass this piece of legislation.

I mean, I am all for a contract for America, but I do not think a contract ought to be to dismantle the Constitution of the United States of America. So if we support the Constitution, the fourth amendment of the Constitution, and all of us as Members of this body, when we arrived here in January, all of us, each and every last one of us, raised our right hand and we said in no uncertain terms that we were going to abide by the laws of the United States of America, which includes the Constitution of the United States ofAmerica, so to come here and to undo the fourth amendment of the Constitution by taking the rights away from a citizen and say, under the guise that we are doing something about crime and we are being tough on crime, when some poor soul is sitting at home tonight, if the passage of this legislation, if this legislation passes tonight, some soul in the future sitting at his house, inside of his home, watching his television, some Rambo cop can bust down his door, search his belongings, go through all of his belongings and say that they have a constitutional right to do so because of this legislation, I think that is unconscionable.

I would urge the Members of this body to seriously look at what we are about to do. I do not think there is any member in this Hall that would want to pass a law that would take away a Member's constitutional rights, fourth amendment constitutional rights. And that is exactly what this bill would do.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very concerned about the procedure here, because as I read this amendment, this is the fourth amendment to the Constitution. We are being asked, as Members of the House, do we or do we not support the fourth amendment. And I have taken this well before saying, I really thought that H.R. 666 repealed it, and here is a chance for us to now say, we are not repealing it, as the gentleman from Louisiana just said.

My real question is, can any Member vote against this? Because we are all sworn to uphold the Constitution. The fourth amendment is part of the Constitution.

□ 1750

I think parliamentary-wise, it is a very interesting question as to what

would happen if Members vote directly against a part of the Constitution. I do not think we have ever had that on the floor before, as long as I have been here.

Mr. Chairman, I wanted to ask the esteemed ranking Member, is this not absolutely the entire fourth amendment, all jot and tittle? This is it, is that correct?

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, this is the fourth amendment to the Constitution. I have never remembered voting on it, Mr. Chairman, and what happens here is that the reason that he had to replace it in its entirety is that there is a great likelihood that the McCollum bill, as it is written, will subsequently be found unconstitutional itself, so we not only have our obligation to the Constitution, but we fortunately had this replaced from a provision I think is unconstitutional, and predict it will never stand court muster. Therefore, I support the gentleman as well.

Mrs. SCHROEDER. Let me ask the gentleman, too, Mr. Chairman, from his history, does the gentleman have any idea what happens if a Member of Congress takes the well and at the beginning of each session, pledges to uphold the Constitution? Does anyone know what happens if they do not vote to uphold the fourth amendment? What will happen if people vote against it?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, this is the 104th Congress. The question has never arisen before. Let us all stay tuned.

Mrs. SCHROEDER. Mr. Chairman, I certainly hope everybody votes to uphold the Constitution. I think we have seen an awful lot of silliness, but one of the things every American says is their home is their castle, and your home is not your castle if anybody can come knock down the door any time they want without a warrant. This is one of the premises that our forefathers and foremothers felt very strongly about.

Mr. Chairman, I think if we do not stand for this, we do not stand for anything. The people who sent us here and thought we were sworn to uphold the Constitution, if we vote against this, Mr. Chairman, they are going to really wonder. They are going to really wonder, and I would not blame them at all if they wanted their money back for the salaries of the people that maybe had their fingers crossed when they took that oath. Mine were not.

Mr. Chairman, I will probably vote for this amendment, and I think the gentleman from North Carolina is to be complimented in reminding us all, let us stop this silliness with the contract and realize our real contract is the Constitution of the United States, that every Member of this body is pledged to uphold.

I thank the gentleman from North Carolina [Mr. WATT] for reminding us of that.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to echo what I have heard from the gentleman from North Carolina [Mr. WATT] and the distinguished gentlewoman from Colorado [Mrs. SCHROEDER]. I, too, remember the oath that the Members of this body took when we were sworn into this office.

I just went up to the Clerk's desk and asked the Clerk to allow me to refresh my recollection. We said:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same.

This bill, Mr. Chairman, does not do that. In fact, in order to save this body in terms of our integrity, we must support the Watt amendment, because the Watt amendment reaffirms the fourth amendment to the U.S. Constitution. To vote against the Watt amendment is to vote against the fourth amendment to the Constitution. To vote against the Constitution is to violate the oath of office that each and every Member of this body took to uphold, to support, and defend that Constitution.

As the gentlewoman from Colorado [Mrs. SCHROEDER] so eloquently stated, our contract is the Constitution of the United States. Let us have a contract with and for America, not a contract on America.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I feel a chill in the air this afternoon. I think we are about to see a very dark day in history of the United States of America, the beginning of the police state. I submit that historians looking back will write that America's liberty began to erode in 1995 when they undertook to substitute language for the fourth amendment.

Mr. Chairman, I think one of the great fears that the science fiction writers write about is the black-clad storm troopers that break through your door, seizing whatever they might, seizing your personal items. That is the modern-day version of what our forefathers in the fourth amendment were afraid of.

Today, Mr. Chairman, I believe if the majority prevails we are about to undertake the beginning of that scenario.

That is not a question of whether we trust police officers. As an attorney, I represented police officers and I know them to be hard-working, dedicated public servants, but I also know from their own mouths that they are not above making conscious mistakes. I also know that there are instances in which they go beyond the bounds of the law.

My statement is not to indict police officers, Mr. Chairman, I am here to commend them, but rather to say that the protections contained in the fourth amendment were designed to protect the most precious group of people in this society, more precious even than police officers; that is, the U.S. citizenry.

Therefore I say, Mr. Chairman, today, that this could be a very dark day in the history of the United States when we suspend the rights so dearly protected in the fourth amendment, and in its place allow individuals to state what they thought they were doing, what they wanted to do, what they intended to do, rather than provide what the Constitution provides, that the people shall be secure, secure in their person.

Mr. Chairman, I urge the adoption of the Watt amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, two things I think we should point out. One is that we are not talking about here a rule that goes back to the foundation of the Constitution. In fact, as I understand it, it first appeared in 1914, and then the exception, good faith exception, appeared in 1984, so we are not talking about the founding documents.

The second thing I think is important to point out is that we are not talking about here some sort of an abuse of process. What we are talking about simply is the ability of police officers and prosecutors to use material seized in good faith, in this case with a warrantless search.

I think it makes a whole lot of sense. It makes a whole lot of common sense to the American people. I do not see any violence being done to the fourth amendment.

I do, however, see some violence being done every time we would have some kind of an issue on the floor that we would put up for a vote a piece in the Constitution. I suppose that means that if we get into a debate on last year's crime bill, somebodycould have arisen and suggested that we reiterate the words of the second amendment.

It does not really make much sense to go around reiterating in statute form the words of the Constitution. I am very happy to affirm those words, because they are very meaningful, but it really does not have much legal significance to affirm those words by statute.

That is to demean the Constitution of the United States, because it is not a statute. It is not amendable here on the floor of this House, but only by the people of this country after two-thirds vote here and three-fourths of the States ratify it.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I am happy to yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just simply wanted to inquire of the gentleman from South Carolina whether he agreed with the

gentleman from Florida [Mr. MCCOLLUM] that this amendment guts the bill by putting in the provisions of the fourth amendment, which is the Constitution.

Is it the gentleman's opinion that, as the gentleman from Florida has expressed, that it guts the gentleman's bill?

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time, I would say to the gentleman, I really cannot figure out exactly what the amendment does, to tell the truth. The legal significance of the amendment is an absurdity, really. It is from the Constitution. I just see it as a legal absurdity.

Mr. WATT of North Carolina. Mr. Chairman, if the gentleman will yield further, I do not know how this could be an absurdity unless the fourth amendment itself is an absurdity. The words speak for themselves. They say exactly what the fourth amendment says.

It seems to me that preserves the Constitution, not denigrates the bill.

Mr. INGLIS of South Carolina. Reclaiming my time, Mr. Chairman, I would simply say to the gentleman from North Carolina, it just does not make sense to go around restating in statute form the words of the Constitution of the United States. It is as though we have to shore up the Constitution.

I do not see any need here to shore up the Constitution. The Constitution is the Constitution, regardless of what we do here on the floor today. We cannot amend it here on the floor. I know, as somebody involved in the term limit effort, it is hard to amend the Constitution of the United States.

We do not need to, by simple statute, do something that really has no legal effect. It is just to repeat the words of the fourth amendment.

□ 1800

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I am happy to yield to the gentleman from Florida. I believe he wanted to have some further words about this.

Mr. MCCOLLUM. Mr. Chairman, I do want to reiterate what I said earlier. I do think this does gut the bill. I think it guts it for the simple reason it strikes out three-quarters of the bill. It takes out the good faith exception that we tried to put in the bill. It is as simple as that.

It is not that there is anything wrong with the Constitution or any of the language that the gentleman is offering. It is that what it does in the process is just strike after the word ''States'' everything there that talks about a reasonable and objective standard for making an exception to the exclusionary rule that will let us get more evidence in and get more convictions. So that is why I am opposed to the amendment, and I certainly understand there are Members on the other side that think somehow this whole exclusionary rule debate is going to violate the fourth amendment and do away with it. It does no such thing.

The particular provisions we are proposing today have been in existence for quite a number of years in two Federal circuits, and I have never heard anybody come forward and complain that there has been some unreasonable search and seizure, the police have been abusing this in those jurisdictions. That covers quite a number of States, 14 or 15 States.

It is just not practical to continue to have two of the circuits on one path and the rest of the country on another on the rules of evidence in this country when we need to get more evidence in to get convictions. These technicalities are killing a lot of our police officers' efforts and the prosecutors' efforts to get convictions.

I do not see why we should allow an amendment like this one that would just totally wipe out the bill, and that is what it does.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. INGLIS] has expired.

(On request of Mr. WATT of North Carolina and by unanimous consent Mr. INGLIS of South Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, it seems to me the only way one could conclude that this guts the bill is to say that the rest of the bill is somehow inconsistent with the fourth amendment. I am wondering whether that is what the gentleman from Florida is saying, because that is the only way I could see the actual language of the fourth amendment being inconsistent and gutting the rest of the bill, if the rest of the bill is somehow inconsistent with the fourth amendment.

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time if I may, before I yield to the gentleman from Florida I would say this is the only reason it would. I would say to the gentleman from North Carolina we are making positive progress here and the gentleman simply goes back to restate law that is actually the constitutional law and, therefore, he obliterates all of the forward progress. I think that is fairly obvious as to why this would gut the bill. We are not making any forward progress.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. INGLIS] has again expired.

(On request of Mr. MCCOLLUM and by unanimous consent Mr. INGLIS of South Carolina was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think the gentleman from North Carolina over here is making a point about something that is misleading in a sense. I know he does not intend it to be. The truth of the matter is, all of us believe in the fourth amendment, all of us believe in the Constitution, and there is nothing that I would not do to embrace it. If we had a vote out here tomorrow to say BILL MCCOLLUM, vote for the fourth amendment, I would be in there saying I would certainly vote for it. I cannot imagine anybody who would not vote for it.

But that is not what the gentleman is asking us to do. He is asking us to wipe out the bill in the process of voting for the Constitution. It is not inconsistent on our part to say heck, we do not want to do that. The Constitution stands free and clear in its own right. We do not disturb it. But we want to modify a rule of court that has been used for a number of years in certain ways to patrol this constitutional right. That is all we want to do. We do not want to wipe out the right, and I thank the gentleman for yielding.

Mr. BARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate that we have been hearing on the other side of the aisle strikes me, frankly, as rather absurd to be arguing that the only way to protect the fourth amendment, which the gentlemen on the other side of the aisle claim is their desire and their goal here, that the only way to do that is to codify it in statute. Really, as the gentleman from South Carolina said, it demeans the Constitution itself by taking something that is the highest law of the land, codified in the Constitution itself, and we have to put it into statute in order to give it meaning. That is absurd.

But the debate has reflected on something that is important, and that is language in the fourth amendment. Lost in a lot of this debate here is the notion that the fourth amendment contemplated that there would be searches and seizures. It was never the intent of our Framers that there would not be searches and seizures conducted in support of law enforcement and to protect the public welfare. It was contemplated that there would be warrantless searches and seizures subject to the standard of reasonableness, and that is precisely what this proposal in H.R. 666 does. It says that that standard of reasonableness is codified in the Constitution itself and shall apply, shall apply.

What this proposal in H.R. 666 would do, which I support, and which the amendment proposed by the gentleman from North Carolina would undo, is to provide a standard of reasonableness explicitly set forth in statute to give further meaning, to give further focus, to the fourth amendment of the Constitution of the United States. That is what the people have a right to expect under their Constitution, and to play these games of smoke and mirrors by saying the only way we can address

this problem is by gutting H.R. 666 and taking the amendment that we already have in the Constitution and codifying it, does a disservice to the debate which we have been trying to have here today.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to add a note of caution to all of those who are watching this debate and hope that throughout this land that Americans are going to watch very carefully how these votes get cast on this amendment, because what is in jeopardy here and now in this Congress is the very fabric and moral standing of our land written into the Constitution. That is the notion that Members of the U.S. Congress could not stand enthusiastically and embrace the fourth amendment, that they could not embrace the amendment offered by the gentleman from North Carolina, who simply asserts the wording of our Constitution which says we grapple with this issue about illegal searches, that we could be guided by that language, and I think that it sends a wake-up call to all of America.

I heard a Member of the other body say the other day that there have been in total some 75 amendments offered to the Constitution just since January 4. We have a group of Members who have come to Washington who on the one hand profess to support the Constitution, but on the other hand are trying in a wholesale fashion to change the very makeup of that Constitution, not just through constitutional amendments, but through other statutes and other attempts such as the one before us. I hope that we as Members of the U.S. Congress forget the contract for a minute and remember our oath to protect and stand in support of the Constitution and support the Watt amendment.

Mr. MOAKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, they are quoting the sanctity of the Constitution, and I was just looking through the Bible at Revelations. I would like to quote:

[13] And I saw a beast rising out of the sea, with ten horns and seven heads, with ten diadems upon its horns and a blasphemous name upon its heads. And the beast that I saw was like a leopard, its feet were like a bear's, and its mouth was like a lion's mouth. And to it the dragon gave his power and his throne and great authority. One of its heads seemed to have a mortal wound, but its mortal wound was healed, and the whole earth followed the beast with wonder. Men worshiped the dragon, for he had given his authority to the beast, and they worshiped the beast, saying, ''Who is like the beast, and who can fight against it?''

And the beast was given a mouth uttering haughty and blasphemous words, and it was allowed to exercise authority for forty-two months;

□ 1810

Skipping over,

It works great signs, even making fire come down from Heaven to earth in the sight of men; and by the signs which it is allowed to work in the presence of the beast, it deceives those who dwell on earth, bidding them make an image for the beast which was wounded by the sword and yet lived; and it was allowed to give breath to the image of the beast so that the image of that beast should even speak, and to cause those who would not worship the image of the beast to be slain. Also it causes all, both small and great, both rich and poor, both free and slave, to be marked on the right hand or the forehead, so that no one can buy or sell unless he has the mark, that is, the name of the beast or the number of its name. This calls for wisdom: Let him who has understanding reckon the number of the beast, for it is a human number, its number is 666.

Mr. Speaker, I think this says it more than anybody else. It limits the authority to 42 months which is approximately 2 years, and the beast is named 666, and I say this is the beast we are dealing with today.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the so-called Exclusionary Rule Reform Act and support the Watt amendment. I talked to cops about what do we do on crime. My brother was a police officer, and I tell you that this is not on their minds. It is not the exclusionary rule or giving the Miranda warning.

What is on their minds is guns, police-killing bullets, and assault weapons.

If we want to spend that time in this House making life safer and easier for cops, we should continue the work we have done to take more weapons off our streets.

There are few things that we do in Washington that have worked so well as the exclusionary rule. It has passed the test of time for eight decades. Moreover, the Supreme Court has created one good-faith exception, in cases where an independent magistrate issuing a warrant has made a mistake, but the court, which is not known as a shrinking violet when it comes to crimes, has refused to expand exceptions like this for 10 years.

The exclusionary rule has improved police procedures, making them constitutional and fair.

This issue is a red herring, and the statistics bear this out. Only 1.37 percent of all evidence is thrown out in Federal cases.

Let us defeat this bill. In addition to being an assault on the Constitution, this is a waste of time and another gimmick. If I may again reiterate and re-quote just what the fourth amendment says, namely, that we are to be protected against unreasonable searches and seizures, that they shall not be violated, and no warrants shall be issued but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the person to be seized or things to be seized.

Mr. Chairman, nothing could be clearer, and to say that a warrantless search is not in violation of this Constitution is ludicrous.

Let us support the Watt amendment. Let us preserve the right to be secure in our homes. Let us guarantee all Americans by our Constitution.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members, I rise in opposition to the Exclusionary Rule Reform Act and in support of the Watt amendment.

I am inspired to speak here because I heard one gentleman, the gentleman from South Carolina, say that we should not be quoting the Constitution. We would be a lot better off it, instead of reading the Contract on America in this body every day, that we would simply quote the Constitution, remind ourselves of what this magnificent document is all about. It begins, as you know, ''We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.''

Now, let us understand what was happening at that time and the history that we should never forget. When the citizens of Great Britain decided to leave, they left because of oppression and tyranny. They left because they simply wanted a quality of life that would provide them with some freedom and justice so that they could feel secure, and when they left to establish in the new land, they were invaded. They were imposed upon. They were violated. Their homes were broken into. Not only were they overtaxed, they were simply mistreated. They could not pursue justice, freedom and equality.

And they said, ''We are going to establish a Constitution. We are going to establish in this new land a document that will protect us from tyranny.''

Now, those of us who are involved in this body who are forever about the business of exporting democracies around the world, we are appalled, as we were appalled in South Africa at the fact that people's homes could be invaded, that whole towns could be torn down, that at any time of night or day the police could ride into an area, beat the people, dismantle their homes, literally invade them.

This Constitution protected us from this kind of invasion and violation. This document that set out to establish freedom, justice and equality, perfected by the Bill of Rights and the amendments, the first 10 amendments to the Constitution, simply said we will not allow people to be violated in the fashion that they were violated when they left their mother country.

These were not blacks. They were not Mexicans. They were basically people

who had left Great Britain. They kind of all looked alike.

But let me tell you, it does not matter whether you are black, white, green or any other color, if you find yourself in a situation where those who are ruling, those who are in power are so egotistical or so disrespectful or so unmindful of the fact that we all deserve the right to be free and they decide to move in your town or in your community a corrupt police force, corrupt elected officials, if they decide they are going to walk into your home, they are going to invade your property, they are going to violate the most precious of that that can be violated, the sanctity of the home, you allow them to do this when you mess around with this Constitution this way.

You will see a number of African-Americans on the floor today. You may wonder, ''Why are so many African-Americans in this Congress so concerned about this exclusionary rule?'' Well, we were not there when those who were fleeing the tyranny of Great Gritain were being violated, but we were there as slaves. We were there when our doors were kicked down. We were there when children were grabbed away from their families, when people were sold into slavery, violated, and so we feel this very deeply. We understand this. We do not want anything to violate the fourth amendment of the Constitution.

This is not about some game we are playing. This is not about some political posturing. This is about protection of human and individual rights for the people, and the Constitution defends that, and it guarantees that.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. This amendment is not about tampering with the Constitution. We are not doing that in any way, shape, or form here.

And this is poor legislative procedure to take language that is already law, consecrated law in our Constitution, and attempt to substitute it in a bill. All that has the effect of doing is abandoning to the Supreme Court our responsibility to interpret the Constitution.

Certainly the Supreme Court has that responsibility, and they have a whole history of cases determining what the fourth amendment means. But we are entitled to pass legislation so long as it is in compliance with that Constitution, and this language simply adds to that interpretation that the Supreme Court already has and creates a good-faith exception so that criminals do not get off on technicalities.

□ 1820

All we are saying here is do not allow somebody who is guilty of a crime to evade conviction because of a police officer who acted in good faith, and everybody's constitutional right is protected because the judge will have the discretion and it can be taken up on appeal as well. The judge will have the discretion to determine whether or not the individual police officer was acting in good faith. If he finds he was not, the evidence is excluded. But if he was acting in good faith, not intentionally depriving anybody of their rights, the evidence should be brought in and the criminal should be convicted and put in prison. That is what their bill is about. That is why the amendment should be defeated and the bill passed.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as Americans we should be devoted to the Bill of Rights. The Bill of Rights and our respect for the Bill of Rights is what has kept our country free for over 200 years. The fourth amendment to our Constitution is part of our precious Bill of Rights. Today in America we are legitimately worried about crime. As the mother of two young children I know how much I worry about their safety. I worry that unless we do the right thing our country will be an even more dangerous place by the time they are adults.

But even as we worry about crime we cannot worry less about freedom and the freedom guaranteed by our Bill of Rights. Because of our concern about crime the operation of the exclusionary rule which protects the fourth amendment has been increasingly narrowed over the past years by the Supreme Court. Police can act in emergencies, police are excused under the Leon ruling when they execute a faulty warrant in good faith. This lets the police do their job.

But H.R. 666 goes further than that. The fourth amendment is not in our Constitution to protect the guilty, it is there to protect innocent regular Americans. It is to prevent the government from coming into your home whenever they want to. It is to protect the American people from big government that would intrude on our privacy. H.R. 666, if it is constitutional, would allow the government to intrude on our privacy without having an impartial magistrate review the situation. That is why, as the mother of two little children, I will vote for the fourth amendment offered by Mr. WATT. I worry about my children's freedoms, freedom from the fear of crime is something I want for them. But I also want them to enjoy the freedoms that Americans have always had to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, may I engage the Chair of the subcommittee, Mr. MCCOLLUM?

Mr. MCCOLLUM. I would be delighted to.

Mrs. CLAYTON. I would like to know, and I have heard repeated, and I have to believe that you and others believe that in your bill you do not intend to violate the Constitution, you certainly do not intend to give up unconstitutional language being in conflict with the fourth amendment.

Mr. MCCOLLUM. The gentlewoman is completely correct.

Mrs. CLAYTON. Well, help me understand then. If this language is inserted would it not go to perfect that very intention that if you do not intend, anything motivating to annihilate the Constitution particularly the fourth amendment, why then, although it may be redundant, why not allow this language to be there that says without any ambiguity that the fourth amendment is to be upheld? Why not allow this language to be there?

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I thank the gentlewoman for yielding.

Mr. Chairman, I have no objection to that language particularly. What I object to is what would be stricken from the bill by the amendment that the gentleman, Mr. WATT, has offered. If you look at his language——

Mrs. CLAYTON. Is he not substituting the fourth amendment?

Mr. MCCOLLUM. He is substituting the fourth amendment for the language in the bill. Thereby he eliminates efforts we are making to modify the evidentiary rule that the Supreme Court has carved out for search and seizure cases under the fourth amendment.

Mrs. CLAYTON. Would not the Constitution be superior language to what the gentleman has codified?

Mr. MCCOLLUM. If the gentlewoman would yield further, it would not be superior in the sense—it is superior in any event to anything the court would do—but we have to interpret the Constitution for purposes of deciding whether to admit evidence or not. That is, we are not modifying the Constitution in any way, we are simply providing a modification to a Supreme Court rule made in 1914 to police the police. It was their decision to create this rule of evidence. They did not modify the Constitution when they created it.

And they came along and said we are going to change our rule because we think it is too harsh, what we did in 1914, back in 1984. And they said, what we have before us is a search warrant case, and we think the police in that case really acted in good faith.

They thought it was a good warrant, it turns out that it was not a good warrant. We do not think there is any reason to exclude the evidence that they got. There is nothing to be gained by this, because we are not going to deter their conduct. So we want to simply expand that.

Mrs. CLAYTON. Reclaiming my time: What I want to know is why not allow this amendment to stand because it seems to achieve what the gentleman wants. The gentleman wants to

convince us that nothing he has is inconsistent with the fourth amendment. And if that is true, whether it is redundant or not, it simply would reaffirm his intention.

Mr. MCCOLLUM. If the gentlelady would yield further, it would not reaffirm my intention because what we have in the bill is not a recodification of the fourth amendment. The fourth amendment would exist and we cannot change it here on the floor of the House in any event. It exists whether we pass the bill here or not. All we are modifying is a rule of evidence. If you pass the fourth amendment as a substitute for the rule of evidence modification then the existing rule of evidence will continue to exist unmodified. We want to change it. We do not want to leave it up to the Court. The court right now is determining the rules of evidence in this area.

In Federal Rules of Procedure on Evidence we want to say—we have the right to do that in the Congress and that is all we want to do. We want to say to the court, instead of you doing it, we want to do it.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentlewoman for yielding to me.

Mr. Chairman, the gentleman's, my friend's explanation is a little disingenuous. This is the mother of all warrantless searches that we have before us and will ultimately, I predict, be found unconstitutional because we put the objective reasonable good faith in the police officer, not in the magistrate. And that is the fatal flaw. So we have the gentleman from North Carolina [Mr. WATT] with a constitutional provision replacing it with what I predict will be an unconstitutional amendment.

Mrs. CLAYTON. Let me raise one question: Does the gentleman believe then if this was put in there that it would gut his bill, the Constitution would then be nullified?

Mr. MCCOLLUM. If the gentlewoman would yield further, yes, it would, because it strikes the bill.

Mrs. CLAYTON. But does that mean that the Constitution nullifies the gentleman's bill?

Mr. MCCOLLUM. No. If the Constitution exists it is going to exist whether my bill is passed or not; it does not nullify the bill. But if you pass a provision that strikes what is in the bill, that is what nullifies it. I think we can add to the Constitution if we want to add it to the bill, it would not nullify it. But by striking the language in the bill you have provided us with a provision which does not leave our provision standing.

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Exclusionary Rule Reform Act, H.R. 666, which has heretofore in this debate been referred it as the mark and the number of the beast. And while I rise not to impugn the integrity of any Member of this body or never felt intentions, I do rise to talk, as I must, about what I consider to be the misguided wisdom of this act. In an effort to correct a wrong we are imposing, in my opinion, an even larger wrong. In the years that I have been a Member of this body, with all due respect, I never felt more violated.

And I would suspect that people who are now watching this debate and those who in years yet to come will read it will feel just as violated also. And would ask as many are asking at this hour: What have we come to? And what have we become?

□ 1830

In an effort to punish the guilty, Mr. Chairman, we are ignoring our sworn obligation to protect the innocent, and someone, Mr. Chairman, rose earlier in this debate in a brash, and rash and unconscionable way and argued that the debate was almost without merits and that the debate on this side of the aisle was, in that person's opinion, absurd.

Well, the real question becomes then: Is it absurd to protect the public welfare as we know it? Is it absurd to protect the sanctity and the security of one's home against unreasonable search and seizure? Is it absurd to enshrine the words of the fourth amendment in the bill that we're about to vote on?

I would argue and submit, Mr. Chairman, that the absurdity is not in the effort to correct the wrong. The absurdity is in the folly that protects the wrong.

This bill renders the fourth amendment mute. It simply says it no longer, for all intents and purposes, exists, and if that assumption is wrong, then why not enshrine the words of that amendment in this bill so that we underscore and underline for all to see our intention to protect and uphold the fourth amendment of the Constitution of the United States, a Constitution that every Member of this body 6 weeks ago swore to protect and defend against all enemies, foreign and domestic?

Few people will remember what we say here today, but all will remember what we do, and I would urge Members of this body, in supporting the amendment offered by the gentleman from North Carolina [Mr. WATT] to understand our mission is to protect the innocent and to take to heart the words that we are sworn to uphold and to protect the Constitution that has protected us even against ourselves.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I would like to say we would be happy to add the fourth amendment to the end of the bill. We would have been happy to accept on this side the gentleman from Michigan's published amendment No. 1 that would say, had he offered it, nothing in this section shall be construed so as to violate the fourth article of amendments to the Constitution of the United States.

We would be happy to do that because we do not think anything we do does that, and we have no intention of doing so, and I understand the gentleman's sincerity in what he has to say. It is just a concern that I have that, instead of doing that, this particular amendment eliminates the bill, the underlying bill. It is not simply added on.

Mr. MFUME. Mr. Chairman, I thank the gentleman from Florida for his words.

Mr. Chairman, I yield to the bill's sponsor to respond to the suggestion by the gentleman from Florida [Mr. MCCOLLUM] that he would be happy to add the words.

Mr. WATT of North Carolina. Mr. Chairman, nobody has proffered any language to me that they would be interested in being supportive of, and I would be happy to look at it and consider whatever language they are proposing. But right now the amendment speaks for itself.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman would yield, I would just like to point out that the amendment I suggest is what the gentleman from Michigan [Mr. CONYERS] has published as his first amendment in the RECORD, in the CONGRESSIONAL RECORD, and we would be glad to accept that in lieu of what the gentleman is offering, if that would be something he would want to do.

Mr. WATT of North Carolina. Mr. Chairman, I would be happy to take a look at it and, while the next speaker is speaking, see if we can get together on some language.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Members on both sides of the aisle, Mr. Chairman, I think are genuine in their concerns, and I think also that Members on both sides of the aisle often feel that there are too many laws that protect the criminals and not enough for those that are persecuted, and that is the victims. Who supports the exclusionary rule? Gestapo storm troopers? No, it is all of our local law enforcement agencies and the district attorneys. Why? Because often, too often, Mr. Chairman, those criminals are let back out onto our society because of small technical reasons.

We are not taking a look to storm into people's houses. We are looking where there is evidence found on good faith that that evidence can be used in a court of law. That is not unreasonable.

Some of the same Members that are fighting for the fourth amendment, we fought desperately for the same rights under the second amendment. We said, ''Let's force and let's put minimum mandatory sentences on those that violate the law using a weapon, any kind of a weapon, and not go against the

law-abiding citizens.'' But yet our voice was muted on that issue, and I am sure it will be muted again. We do not want to let criminals go on technicalities.

I would ask Members on both sides of the aisle to look at the items in which we can really strengthen a crime bill, habeas corpus. We had a gentleman named Alton Harris in San Diego that shot two boys and then ate their hamburgers, he spent 14 years habeas corpus after habeas corpus on death row, but yet many of the same Members will fight against that. We need to go after the criminals and protect the innocent in those kinds of things.

I had three Russian generals in my office, and they said that the No. 1 right that they value in the new Russia today is to own private property and those rights, but I see it violated time and time again on this floor, and I would say to the gentleman that quoted The Beast, ''Many of us consider Damien was killed on November 8.''

PARLIAMENTARY INQUIRIES

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FIELDS of Louisiana. Mr. Chairman, since we are about to vote on this measure, I have a question: Since this bill that is before us modifies the Constitution to some degree, would this not call for a two-thirds vote of the House?

The CHAIRMAN. The simple answer is no. The amendment before us is not a constitutional amendment.

Mr. FIELDS of Louisiana. A further parliamentary inquiry, Mr. Chairman:

My inquiry was on the bill and not the amendment.

The CHAIRMAN. The Chair will issue the same ruling:

This is a bill and not a constitutional amendment.

Mr. FIELDS of Louisiana. A further parliamentary inquiry, Mr. Chairman:

The bill precisely says that evidence which is obtained as a result of a search or seizure shall not be excluded in a proceeding in a court of the United States on the grounds that the search or seizure was in violation of the fourth amendment.

How is that not, Mr. Chairman, making the fourth amendment of the Constitution moot or at least revising it?

Mr. CHAIRMAN. The gentleman is not stating a parliamentary inquiry. He is raising a question of constitutional law.

That is a matter for the House to decide.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in light of the comments of the last speaker, I would simply note that the purpose of the Constitution is not to protect the guilty. The purpose is to protect the innocent. What we are talking about here is the power of agents of the government to search the homes of American citizens and to seize the property of American citizens, and the amendment offered by the gentleman from North Carolina [Mr. WATT] gives us an opportunity to choose between the language of H.R. 666 drafted by the gentleman from Florida or the language reflecting the fourth amendment of the Constitution of the United States drafted by Thomas Jefferson and James Madison.

□ 1840

I know it is a close call, but, pardon me, I am going to stick with the old fellows.

I would also like to remind Members, in light of the comments made by the previous speaker, of the words of Sir Thomas More in the play ''A Man for All Seasons.'' More was having a discussion with his son-in-law about the power of the king and the power of law, and his son-in-law said, ''I would strike down every law in England to get at the devil.'' To which Sir Thomas More replied, ''And when the devil turned round on you the laws all being flat, where would you be then? I would give the devil the benefit of law for my own safety's sake.''

And that is really what we are talking about here today, whether or not we will stand by the constitutional privileges laid down by the Founding Fathers that protect American citizens from the occasional and regrettable excess of the use of power by their own Government or by the representatives of that Government.

I find it quaint indeed that in the name of conservatism we seem to have conservatives in a wide variety of measures taking actions which in fact give great additional power to the State, be it in this language that is being provided today in H.R. 666, or be it in the line item veto amendment by which we transfer huge pieces of authority to the White House, or be it in some of the other portions of the contract that are about to come before us.

So as I said beginning my remarks, I do not think the gentleman from North Carolina need apologize for bringing the words of Thomas Jefferson and James Madison to this floor. Frankly, if I looked out on this floor and saw an awful lot of people that reminded me of Thomas Jefferson or reminded me of James Madison, I might be willing to entertain this language. But, frankly, when I look out on the floor, I find precious few.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here because I heard the debate on this issue, and I have to tell you that the fourth amendment is not just words to me, it is protection, real protection.

Let me tell you what it is like to live in a country which has no fourth amendment.

I lived in South Africa, in fascist South Africa, and my mother was a fighter for justice and for truth. And she lived in fear, constant fear, that her home might be invaded, that papers might be taken out of context and used in trials by the government against people who believed in justice. And in South Africa, they longed for the fourth amendment, Mr. Chairman. They longed for that protection.

Our police must be given the tools to fight crime, but it is our citizens who must be protected, in their homes, in their lives, and in their beliefs.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the committee we talked about not juxtaposing the rights of victims against those of us who would think that freedom is equally as important. We sought to strike a chord to bring legislation forward that would fairly respond to the needs of victims and the apprehension of criminals, but yet recognize the Constitution of the United States.

For over 80 years since the Supreme Court's decision in Weeks versus United States, the mandates of the fourth amendment have been enforced through the application of the exclusionary rule, that prevents illegal searches and seizures. It is not broken; it is working.

The Constitution stands alongside the exclusionary rule. This proposed legislation without the amendment of the gentleman from North Carolina [Mr. WATT] does damage to the Constitution and the sanctity of the Supreme Court's affirmation of the exclusionary rule's application to the fourth amendment.

Mr. Chairman, it is important that as we have our children view high-technology movies like the Last Action Hero, that they not view this as today's America; that they know that the Constitution protects their home,protects their privacy, protects their rights. I think we need not move into the 21st century believing that we are nothing but a movie, simply seeing strangers around the country knock in our doors.

Mr. Chairman, that is not your average law enforcement officer. They are law abiding. They have easy access to getting warrants based on probable cause. They seek such warrants, they arrest people, they get convictions. Why tamper with something that is not broken? Why not stand for the Constitution that clearly says that our citizens have rights? In particular when we talk about minority citizens, people who are seeking an opportunity to work cohesively with law enforcement, but yet acknowledge the fear sometimes of the intrusion on their private rights.

Let us not dismantle what we are trying to build, a sense of confidence and comfort, that the Bill of Rights, the Constitution of the United States protects them too, protects those who are new immigrants, protects those who do not speak the language, protects those who live in inner-city neighborhoods. It is important that we include all Americans, and that it is

not in conflict with law enforcement or protecting all citizens.

Mr. Chairman, I would ask for support of the Watt amendment, because I believe the fourth amendment clearly states the purview of where we need to go. It protects those who have been victims, it protects those who are law enforcers, and it protects the rights of law abiding citizens. It is the Constitution. It is something to be supported, recognized and respected.

I rise to support the Watt amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the comments of some Members here as ardent defenders of the Constitution, and we heard the Founders invoked, one would think the exclusionary rule is written into the Constitution. Yet I challenge anyone to show me where in the Constitution that exists, because in point of fact it does not exist. It was a creature of the court beginning in 1914 and applicable to the actions of the Federal Government, and it was not until I believe 1964 in the infamous Miranda case that it was applied to State and local agencies. It was simply an example of judicial legislation, the type that has done such great violence to the Constitution that we should all revere.

Mr. Chairman, I strongly believe in the Constitution, and I believe that this creation, the exclusionary rule, has subjected innocent men, women, and children to be the victims of crimes, and the perpetrators of those crimes have gone free in some instances because of the doctrine of the exclusionary rule. When violent crimes and homicides have shot up hundreds of percent since 1960, it is time that we, the people's representatives, set a proper balance, and that balance is the good-faith exception to the exclusionary rule.

Mr. Chairman, I urge the defeat of this amendment.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, I appreciate the gentleman yielding, and I would like to echo his refrain. I have the utmost regard for those who favor the exclusionary rule as a means of enforcing or implementing the fourth amendment. I respect your view. But it is necessary to point out, as the gentleman just did, that almost none of the Constitution is self-enforcing. It has to be enforced by a rule.

□ 1850

The courts have chosen to try and enforce it in this instance by the exclusionary rule. There are some of us who feel as deeply as our colleagues that this is not the appropriate way to enforce the fourth amendment. I would only add that the ultimate, almost, insult to the Constitution of the United States is for those of us here, elected for 2-year terms, to demean the Constitution of the United States by deigning to place the language of the Constitution in a mere statute that we enact.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the exclusionary rule is not, as was just pointed out, written into the Constitution. It was enacted in effect by the courts in a series of decisions starting in 1914. The courts have observed, the Supreme Court has observed many times, it is the only effective means that has ever been discovered to enforce the guarantees against unreasonable searches and seizures that are in the fourth amendment. It is the only means that we have ever found which makes the words of the Constitution guaranteeing the people the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures to be effective in the real world.

Mr. Chairman, the Supreme Court of the United States has said in construing the fourth amendment that the exclusionary rule shall not apply where you have a search warrant and there is good faith asserted. But it still applies where good faith is asserted but there is no search warrant, not even a search warrant. They did not even go before a magistrate to get a warrant to show probable cause why they should search this person's home or possessions or seize his property.

This bill would eliminate the exclusionary rule there, too. It would say that even when you have no search warrant, you can go to somebody's house, break into the house, search his papers, seize his effects, seize the papers, and assert that you believed you were in good faith, that you had constitutional right to do that.

In effect, it removes any real limits on the power to search and seize.

Mr. Chairman, if you look at the history books, one of the chief grievances that caused the Revolutionary War was the issuance by the British authorities of writs of assistance, search warrants, and they were trying to enforce legitimate revenue-collection laws. They issued writs of assistance which said anybody must assist this officer in searching this house or that place for anything. James Otis and Sam Adams and John Adams thought this was tyranny, and what this bill would do is to recreate the same effect as the British writs of assistance.

We are, in the name of trying to have law enforcement, so widening the exceptions here that we have no effective protection for our own liberty in our own homes.

''A man's home is his castle'' is an ancient maxim of the English common law which we inherited. The writs of assistance issued by the British authorities were invasions of that. It was felt to be tyrannical, one of the leading causes of the Revolution in this country against Great Britain. We have forgotten all this, and we are recreating the writs of assistance by this bill, except, even with the writ of assistance, you had to go before a magistrate and describe—you did not have to describe what you were looking for, that was one of the problems, but you had to describe why you were looking for something.

With this, you do not need a warrant. You do not go before a magistrate, you simply break into somebody's house, seize whatever you want to seize, and then assert that you, in good faith, believed mistakenly that you had probable cause.

Mr. Chairman, this restores—it makes even worse what we rebelled against in 1775. The Watt amendment, by putting the words of the fourth amendment into this bill, which the Supreme Court has construed to permit an exception to the exclusionary rule only when there is a warrant, would put back that construction and would limit the exceptions to the exclusionary rule to where it is now, and would prevent it from being so widened as this bill would otherwise do as to recreate even worse the situation that we rebelled against in 1775.

For the protection of our liberty, I urge that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 121, noes 303, not voting 10, as follows:

[Roll No. 99]

AYES—121

Abercrombie	Fields (LA)	McCarthy
Ackerman	Filner	McDermott
Baldacci	Flake	Meehan
Barcia	Foglietta	Meek
Becerra	Ford	Menendez
Beilenson	Furse	Mfume
Berman	Gejdenson	Miller (CA)
Bishop	Gibbons	Mineta
Bonior	Gonzalez	Mink
Boucher	Green	Moakley
Brown (CA)	Gutierrez	Mollohan
Brown (FL)	Hall (OH)	Nadler
Brown (OH)	Hamilton	Neal
Bryant (TX)	Hastings (FL)	Oberstar
Clay	Hefner	Obey
Clayton	Hilliard	Olver
Clyburn	Hinchey	Owens
Coleman	Jackson-Lee	Pastor
Collins (IL)	Jefferson	Pelosi
Collins (MI)	Johnson, E. B.	Rangel
Conyers	Johnston	Reed
Coyne	Kaptur	Reynolds
de la Garza	Kennedy (MA)	Richardson
DeFazio	Kennedy (RI)	Rivers
DeLauro	Kennelly	Rose
Dellums	Kildee	Roybal-Allard
Dicks	Kleczka	Rush
Dingell	LaFalce	Sabo
Dixon	Levin	Sanders
Durbin	Lewis (GA)	Sawyer
Engel	Lofgren	Schroeder
Evans	Maloney	Schumer
Farr	Martinez	Scott
Fattah	Matsui	Serrano

Skaggs	Thornton	Waters
Slaughter	Torricelli	Watt (NC)
Stark	Towns	Waxman
Stokes	Tucker	Woolsey
Studds	Velazquez	Wynn
Stupak	Vento	
Thompson	Visclosky	

NOES—303

Allard	Foley	McDade
Andrews	Forbes	McHale
Armey	Fowler	McHugh
Bachus	Fox	McInnis
Baesler	Frank (MA)	McIntosh
Baker (CA)	Franks (CT)	McKeon
Baker (LA)	Franks (NJ)	McNulty
Ballenger	Frelinghuysen	Metcalf
Barr	Frisa	Meyers
Barrett (NE)	Funderburk	Mica
Barrett (WI)	Gallegly	Miller (FL)
Bartlett	Ganske	Minge
Barton	Gekas	Molinari
Bass	Geren	Montgomery
Bateman	Gilchrest	Moorhead
Bentsen	Gillmor	Morella
Bereuter	Gilman	Murtha
Bevill	Goodlatte	Myers
Bilbray	Goodling	Myrick
Bilirakis	Gordon	Nethercutt
Bliley	Goss	Neumann
Blute	Graham	Ney
Boehlert	Greenwood	Norwood
Boehner	Gunderson	Nussle
Bonilla	Gutknecht	Ortiz
Bono	Hall (TX)	Orton
Borski	Hancock	Oxley
Brewster	Hansen	Packard
Browder	Harman	Pallone
Brownback	Hastert	Parker
Bryant (TN)	Hastings (WA)	Paxon
Bunn	Hayes	Payne (VA)
Bunning	Hayworth	Peterson (FL)
Burr	Hefley	Peterson (MN)
Burton	Heineman	Petri
Buyer	Herger	Pickett
Callahan	Hilleary	Pombo
Calvert	Hobson	Pomeroy
Camp	Hoekstra	Porter
Canady	Hoke	Portman
Cardin	Holden	Poshard
Castle	Horn	Pryce
Chabot	Hostettler	Quillen
Chambliss	Houghton	Quinn
Chenoweth	Hoyer	Radanovich
Christensen	Hunter	Rahall
Chrysler	Hutchinson	Ramstad
Clement	Hyde	Regula
Clinger	Inglis	Riggs
Coble	Istook	Roberts
Coburn	Jacobs	Roemer
Collins (GA)	Johnson (CT)	Rogers
Combest	Johnson (SD)	Rohrabacher
Condit	Johnson, Sam	Ros-Lehtinen
Cooley	Jones	Roth
Costello	Kanjorski	Roukema
Cox	Kasich	Royce
Cramer	Kelly	Salmon
Crane	Kim	Sanford
Crapo	King	Saxton
Cremeans	Kingston	Scarborough
Cubin	Klink	Schaefer
Cunningham	Klug	Schiff
Danner	Knollenberg	Seastrand
Davis	Kolbe	Sensenbrenner
Deal	LaHood	Shadegg
DeLay	Lantos	Shaw
Deutsch	Largent	Shays
Diaz-Balart	Latham	Shuster
Dickey	LaTourette	Sisisky
Doggett	Laughlin	Skeen
Dooley	Lazio	Skelton
Doolittle	Leach	Smith (MI)
Dornan	Lewis (CA)	Smith (NJ)
Doyle	Lewis (KY)	Smith (TX)
Dreier	Lightfoot	Smith (WA)
Duncan	Lincoln	Solomon
Dunn	Linder	Souder
Edwards	Lipinski	Spence
Ehlers	Livingston	Spratt
Ehrlich	LoBiondo	Stearns
Emerson	Longley	Stenholm
English	Lowey	Stockman
Ensign	Lucas	Stump
Eshoo	Luther	Talent
Everett	Manzullo	Tanner
Ewing	Markey	Tate
Fawell	Martini	Tauzin
Fazio	Mascara	Taylor (MS)
Fields (TX)	McCollum	Taylor (NC)
Flanagan	McCrery	Tejeda
Thomas	Waldholtz	Wicker
Thornberry	Walker	Williams
Thurman	Walsh	Wilson
Tiahrt	Wamp	Wise
Torkildsen	Watts (OK)	Wolf
Torres	Weldon (FL)	Wyden
Traficant	Weldon (PA)	Young (AK)
Upton	Weller	Young (FL)
Volkmer	White	Zeliff
Vucanovich	Whitfield	Zimmer

NOT VOTING—10

Archer	Manton	Ward
Chapman	McKinney	Yates
Frost	Moran	
Gephardt	Payne (NJ)	

☐ 1911

The Clerk announced the following pair on this vote:

Mr. Gephardt for, with Mr. Manton against.

Mr. WISE and Mrs. LOWEY changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MCCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. RIGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 666) to control crime by exclusionary rule reform, had come to no resolution thereon.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 665 and H.R. 666.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. HORN. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule; Agriculture; Commerce; Economic and Educational Opportunities; Government Reform and Oversight; House Oversight; International Relations; Judiciary; National Security; Resources; Science; and Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I have consulted with the minority leadership, and they have advised me that notwithstanding the fact that this is contrary to the rule which prohibits voting in committee without being there, and contrary to the House rules, we are in agreement to it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 5 minutes.

[Mr. KOLBE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FATTAH] is recognized for 5 minutes.

[Mr. FATTAH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. GUTIERREZ] is recognized for 5 minutes.

[Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the gap in income is growing between those who have a lot of money and those who have a little money. That is unacceptable in a stable and strong economy. According to Business Week, the income gap ''hurts the economy.''

Almost half of the money in America is in the hands of just 20 percent of the people. That top 20 percent is made up of families with the highest incomes. The bottom 20 percent has less than 5 percent of the money in their hands.

A modest increase in the minimum wage could help the bottom 20 percent, and it will not hurt the top 20 percent.

Between 1980 and 1992, income for the top 20 percent increased by 16 percent. During that same period, income for the bottom 20 percent declined by 7 percent. For the first 10 of those 12 years, between 1980 and 1990, there were no votes to increase the minimum wage. Without an increase in the minimum wage, those with little money end up with less money. That is because the cost of living continues to rise.

□ 1920

By 1993, families in the top 20 percent had an average income of $104,616. Families in the bottom 20 percent in America only had an average income of just $12,964. That is a gap of more than $90,000.

Mr. Speaker, that amount of money makes a big difference in the ability of families to buy food and shelter, to pay for energy to heat their homes, and to be able to clothe, care for, and educate their children. That amount of money makes the difference between families with abundance and families in poverty.

An increase in the minimum wage will not provide abundance, but it can raise working families out of poverty.

As income dropped for low-income families during the decade of the 1980's, costs escalated. The earnings of the bottom 20 percent of families dropped by nearly $1,000 during that period. At the same time, the income of the top 20 percent of families climbed by almost $14,000. This gap cannot continue.

While the income for the bottom 20 percent was declining, the rate of inflation for food, shelter, heating fuel, clothing, transportation, and medical care was increasing.

In other words, Mr. Speaker, the cost of bread, milk, eggs, a place to sleep, heat, clothing to wear, a bus ride, and a visit to the doctor went up, as the income of poor people went down. The rate of inflation for each of those items increased, on average, 60 percent, with a low of 31 percent and a high of 117 percent.

Despite these spiraling prices, Congress took no steps to increase the minimum wage, and poor people—the bottom 20 percent—became poorer. That deep valley remains with us today.

The bottom 20 percent of our citizens can have a full-time employee in the family, working at least 40 hours a week, and still not be able to make ends meet—still living in poverty.

At least, they can be working 40 hours and still not be out of poverty. Their earnings from those families have not gone up, and they need to go up and we need to reward work, not make it a penalty. Work is a burden when, despite an individual's best efforts, 40 hours of work, they find themselves paying more for the necessities of life and yet earning less as income.

Other nations around the world have lessened that gap, have been faced with the same gap, but found ways to reduce that gap between those who lived at the top and those who are on the bottom.

We pride ourselves on being competitive with France and Germany and Japan, but we are not really competitive in giving people a decent wage. The gap is much closer there than it is here. Additionally, a recent survey indicated job growth in America is the lowest where the income gap in the widest. When we have a wide gap, we really do not have a strong economy. So having a wide gap hurts our economy. Closing that gap helps everybody, and especially it helps those of the lowest. We should be about the record of establishing that we believe that all Americans have the right to a decent salary if they are willing to work.

Mr. Speaker, New Jersey had such an experience. They raised the minimum wage and the States around them did not. At the same time, they saw jobs increase where their neighbors' jobs decreased.

Mr. Speaker, we should be about raising the salary of those who work. The minimum wage is the least we should do. It is about being fair to citizens. It is about being fair to our economy, closing the gap between the upper 20 percent and the lower 20 percent.

Mr. Speaker, we need to support the minimum wage.

I urge all of my colleagues to at least do that.

A CLARIFICATION OF THE RECORD

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 5 minutes.

Mr. ORTON. Mr. Speaker, yesterday, during floor debate on H.R. 2 and consideration of my amendment to extend line-item veto to contract authority, an exchange between myself and Mr. SHUSTER, the gentleman from Pennsylvania, occurred which I would like to clarify.

During debate, I made the following statement: I want to share with my colleagues a telephone call which I received from a mayor in my district. The mayor called to question my amendment and express concern over funding for a highway project in the city. The mayor stated that staff of Chairman SHUSTER had let it be known that they are looking at transportation projects in my district, and if I offer this amendment there will be retaliation. It was suggested that we would neither get any further contract authority nor authorization for appropriations for future funding of projects in my district. That statement is accurate.

After my statement, Mr. SHUSTER sought recognition and made the following statement: My good friend mentions projects in his own district and a mayor calling him. Well I am a little surprised. I am told the gentleman has five projects which were in ISTEA.

And later at the end of debate, Mr. SHUSTER again took the floor and made the following statement: My friend from Utah made the allegation that a member of my staff called the mayor of Provo, UT, to pressure him to get him to withdraw this amendment.

I have not only talked to my staff, I have just gotten off the phone from talking to the office of the mayor of Provo, Ut. No one from my staff spoke to the mayor of Provo, Ut.

I am sure my good friend in the heat of the moment made an honest mistake, but I would simply like to RECORD to reflect that.

Mr. Speaker, tonight I have taken the floor to clarify the record.

In my statement, I made no reference to which mayor contacted me. There are several cities in my district with transportation projects, including Salt Lake City, West Valley City, Orem City and Provo City among others.

Also, I did not allege that the mayor called to pressure me to withdraw my amendment.

Prior to making my statement yesterday, I spoke to the mayor and the lobbyist representing the city. This is what was reported to me: First, that a member of Chairman SHUSTER's staff informed the lobbyist representing the city that they were looking at transportation projects within my district and relayed a not so veiled threat of retaliation. Second, that the lobbyist conveyed the information to the mayor who then called me to express concern over funding for a project.

After explaining my amendment to the mayor, the mayor expressed personal support for my amendment, saying that this was not the message the lobbyist wanted delivered but that I should do what is right and let the chips fall where they may. There are witnesses to my conversations.

In closing, let me say that it appears to me that the information conveyed to me through the lobbyist and the mayor was accurate. Chairman SHUSTER referred exactly to the number of transportation projects in my district—and knew exactly which mayor to call, even though I have never referred to which city's mayor contacted me.

EXPRESSING SUPPORT FOR ADMINISTRATION DECISION TO IMPOSE SANCTIONS ON CHINESE PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to express support for the Clinton administration's decision on Saturday to impose sanctions on Chinese products because of China's failure to protect and enforce intellectual property rights of United States companies and its failure to provide market access for intellectual property-based products and industries.

China's piracy of United States CD's, videotapes, software and other intellectual properties costs the United States Economy at least $1 billion a year. This means lost American jobs.

The administration's actions, after prolonged negotiations, are long overdue. Indeed, many of us had encouraged President Bush to take this action instead of giving credence to the United States-China memorandum of understanding on intellectual property a few years ago.

Indeed, this action is the same one many of us had urged the administration to take on behalf of promoting human rights in China.

While I am pleased the Clinton administration has taken this step, it is ironic that such an action is being taken to protect products, but that it was not taken to protect human life and human rights. The United States business community is now seeing that human rights and economic certainty are connected as they face problems with a lack of rule of law and respect for contracts in China.

There are other ironies in this decision, Mr. Speaker. Last year, when the President granted MFN to China unconditionally, the argument was made that the approach targeting sanctions on State enterprises including products made by the People's Liberation Army advanced by then Senator majority leader Mitchell, then House majority leader GEPHARDT, majority whip, BONIOR, and me, was not implementable.

□ 1930

And in an August 5 letter to Members the Commissioner of Customs stated that our approach would not work because there are no longer clear distinctions between companies that are State-owned enterprises and those that are not. It is important to note therefore, Mr. Speaker, that the sanctions scheduled to go into effect February 26 if the Chinese do not come around and hopefully they will, specifically target some of China's State-owned enterprises including some run by the People's Liberation Army. In fact at its February 4 conference announcing the imposition of sanctions Ambassador Kantor while listing criteria for picking the products for sanctions listed said No. 2, we picked products that were more involved with China's state enterprises than other enterprises. Indeed I also want to call to the attention of our colleagues that last year when we were having this same debate about sanctions on products made especially by State-run industries and the People's Liberation Army that some of our colleagues in fighting our legislation sent a ''Dear Colleague'' which says:

> Imposing sanctions against products produced by the Chinese Army defense-related companies and State-owned enterprises will be unworkable and unenforceable. It would be a logistical nightmare for the U.S. Customs Service to try to manage. Not only is it almost impossible to identify Chinese Army ownership of Chinese companies but in a mixed economy like China's, it is also virtually impossible to draw clear lines between State and nonState activity.

Well I guess a lot has happened in the past 6 months because we have all of a sudden now, the proposal we are making is indeed one that is being proposed by the administration. I say that once again in support of the action that was taken because those of us who are concerned about human rights in China are also concerned about violations of our trade relationship and also about the proliferation issues.

Mr. Speaker, I yield to my colleague, the gentleman from California [Mr. ROHRABACHER.]

Mr. ROHRABACHER. I would just note that the Chinese have a $24 billion trade surplus.

Ms. PELOSI. If the gentleman would allow, now $30 billion.

Mr. ROHRABACHER. Now $30 billion. Now a $30 billion trade surplus with the United States. And for these people, for the Government of China to be running these factory operations, stealing our intellectual property rights, ripping them off, extracting funds from our pockets to the tune of $1 billion a year, these are the factories that are, as the gentlewoman has just stated, so clearly these are not private sector factors in China, they are factories run by the government and the army themselves. And this adds insult to injury. They are not just satisfied with a $29-billion surplus, they have to rip us off and then even export the intellectual property rights, the CD disks, the software that they are producing.

In our State of California hundreds of thousands of people pay for their mortgage, feed their children, clothe their families, educate their children with the money that they get from jobs related to the entertainment industry. We are now on the edge of a new era where ideas and creative instincts become evermore important. This kind of rip-off is incredible and I am very pleased that the gentlewoman has taken the leadership on this.

CONTINUATION OF DISCUSSION ON CHINESE SANCTIONS

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. I thank the Speaker, and I yield to the gentlewoman from northern California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding, and I thank the Speaker for his directing our debate in this way.

I appreciate the remarks the gentleman has made because indeed the Chinese Government has not only been ripping off our intellectual property, they also have been exporting this intellectual property which they have pirated to other countries in Asia, again hurting United States jobs here at home.

So I commend the administration for finally placing sanctions on China. I think it is important that our colleagues know because many of us who voted together on this issue that the sanctions that were placed on the Chinese Government are the self-same sanctions we were recommending that the administration at that time said were unworkable when we were proposing them for promoting human rights in China and Tibet.

I would like to make a further point that since the President made his MFN decision, human rights violations in China have increased. The crackdown has intensified in China and Tibet. That can be documented when we have more time.

The trade deficit has increased to $30 billion in 1994 and is growing. The proliferation issue is still not resolved in China. Indeed, the evidence is that they are still exporting dangerous technology to unsafeguarded countries.

Having said that, I still commend the administration for finally standing tall and taking the action that they did.

Mr. ROHRABACHER. As the gentlewoman knows, many of the businessmen who decided they were going to make a quick buck and an easy buck making a deal with this dictatorship on the mainland are now finding that they are being ripped off by that Government. The fact is that our own business community that was so much in favor of the most favored nation for the Chinese and said forget human rights are now finding that the Government that abuses the human rights of its ownpeople will certainly negate a contract with a foreigner. And millions upon hundreds of millions of dollars are being lost. I predict even billions of dollars will be lost because this is an outlawed gangster regime and America should be on the side of freedom. It is right in the long run, it is beneficial in the long run.

Ms. PELOSI. If the gentleman will yield further, once again I thank the gentleman for the opportunity to extend my remarks and those of my colleague. The fact is that we will have another evening to talk about the violations of human rights in China, but in addition to the violations of the intellectual property rights—and in China the piracy is rampant, enforcement is absent and the cost to the United States taxpayer and the American worker is huge. In addition to that, they are violating our trade relations with transshipments, exporting of products made by prison labor, by market barriers to United States products going on into China; the list goes on and on. As my colleague so ably said, there is a connection between human rights and business, and that promoting human rights is good for business because then American businesses going into China will know that their contracts will be honored, that

their products will not be made by slave labor and that the rule of law will prevail. And that is a lesson they have learned in the last 8 months. They are not as head over heels in love with going into China doing business now. But we still have to fight for human rights, fight the fight to free Wei Jingsheng and his assistants and some hundreds, maybe thousands of political prisoners as well as the millions in the slave labor camps in China.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2 AND HOUSE JOINT RESOLUTION 4

Mr. ALLARD. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of House Joint Resolution 2 and House Joint Resolution 4.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

COMMUNITY POLICING PROGRAM

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. STUPAK] is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Mr. Speaker, I am here tonight and I will be joined by some of my colleagues on the Democratic side to talk about the community policing program and the proposal that will be before us later this week to do away with the community policing program and the 100,000 cops as the President has outlined in the past, in last year's crime bill.

So the special order tonight will deal with community policing commonly called cops on the beat or Clinton cops.

Today at a press conference there were representatives from police organizations all over the country, mostly the FOP and the National Association of Police Organizations which represent most of the rank-and-file police officers in the country.

They spoke articulately of the need to get police officers on the street.

The program has been a win-win situation not just for the police officers, not just for fighting crime but especially for the communities in which they serve.

Last night in this Chamber we spoke, a number of us, about community policing, how you need to restore the trust, confidence and faith in the police with the specific area they serve in order to form a working partnership, working in concert to help with community policing, to combat the crime elements that they face in their communities.

□ 1940

The gentleman from California [Mr. FILNER] was here, and he represents San Diego, and they had one of the first programs ever on community policing and the dramatic impact it had on crime in San Diego, and then there was the gentleman from Massachusetts [Mr. MEEHAN], Middlesex County, Lowell, MA, where he talked about his role as a district attorney to help to reduce crime.

Mr. Speaker and those folks who are listening to us, there is no one program that is going to solve crime. There is no one police agency in and of itself that can solve crime. We will never solve crime until the citizens we serve work hand in hand with the police officers who are there to help them. Fighting crime is more than just prisons, fighting crime is more than just putting a new law on the book, and it is even more than just police officers. There must be a partnership between the police, the citizens they represent, but most of all it is a responsibility for each and every one of us in this great country.

I would like to speak, if I may, about two programs tonight in my home State of Michigan; the COPS program, as it is called, in Marquette, MI, which is in northern Michigan and is a town of only 17,000 people. But the community policing program works in rural areas as well as in urban areas, but the COPS program was started back in 1990.

In its first 2 years of operation, Mr. Speaker, overall crime in my city dropped 23 percent. As the community police officers get progressively closer to the community in which he lives and serves, more and more citizens are coming forward to report incidents of crime. This is because a community and a community police officer have developed a special relationship that relates to more trust, more confidence, a greater willingness to become involved in the system.

I would like to share with my colleagues some other stories regarding the COPS program in Marquette, MI, because the program is often referred to as just Cops on the Beat. Well, more than just cops on the beat, they must interact with the communities.

A major problem area in Marquette centered around a 116-unit family public housing development the COPS program in Marquette County and Marquette city had developed in coordination with the city police and the public housing authority in an attempt to decrease the crime rates there at the public housing. A police officer, a public housing authority and residents there formed a partnership which was developed to reduce crime and maintain order. The program has lowered crime and has restored a sense of pride in that housing project.

A good example was back in 1991 and 1992, Halloween or Devil's Night, as it is called, with the first 2 years in which there were at least 26 fires, arson fires, per night in and around this housing project. But with the working with the local police departments, volunteers on patrol and CB radios, Mr. Speaker, we have gone on to deter this program, and last year not one arson complaint was answered during Halloween or Devil's Night.

Another one they did in Marquette was the adopt-a-park program, and it was to eliminate the drinking and drugs in a wooded area by the community, and again the COPS program opened up this community, identified the problem and patrolled the area.

Other achievements that COPS programs have helped out is bike registration, bicycle safety, child identification fingerprinting, bike patrols, court-referred workers to do community service work, anti-trespass programs, say no to drug crimes,community child watch program and others. Again the first year the COPS program, and there has been much criticism of the President's program, and you only have so much money. How are you going to pay for 100,000 cops?

Well, as you all know, it is a sharing program—75 percent of the costs of the police office for the first year is paid by the Federal Government, 25 percent is paid by locals. Second year it is a 50–50 match. That is how we can provide 100,000 police officers underneath the crime bill that was passed last year and that took effect as of October 1 this year.

There are 17 police departments in Michigan with COPS programs. The COPS programs throughout the State, the one in Marquette, was rated No. 1, but from a small city like Marquette of 17,000 people you can go on to city like Detroit, our largest city in Michigan.

The recently passed crime bill has awarded the Detroit Police Department 96 new police officers. These officers are currently attending the Detroit Metropolitan Police Academy and are being trained in community policing. Why community policing? Because we know that when police officers work with the folks in which they must serve, it is the greatest positive effect on reducing crime.

The community policing program in Detroit has conducted over 130 residential surveys, has installed security hardware for citizens, has organized over 50 blocks in the city streets into neighborhood watch programs and has increased and provided aggressive patrolling in high drug activity areas. It has created and maintained child safety and substance abuse programs and continues the youth programs to combat violent crime and drug related offenses.

I want to ask in the survey what was the most positive change in these areas just during the last 3 months. The

great majority of these residents responded and said, ''It was community policing and a police keep-the-cops-on the-streets program.''

Now our friends on the other side of the aisle are going to tell us in the next few days, and probably on to Monday, that Members, that mayors and local elected officials, support this family and the Clinton COPS program, that they want to wider discretion, and let the locals determine what it is. But we believe, those of us on this side of the aisle, that what we will do is just buy more pork barrel projects that we saw in LEAA in the late 1960's and early 1970's, but as my mayor in Detroit, Mayor Dennis Archer, said, the time has come for us to stop throwing money at crime, but put it into law enforcement officials, and what they want is cops and not programs.

Mayor Archer believes that the President and the Congress got it right last year when we funded the police on the street program. People in Dennis archer's city of Detroit, or whether it is up in my district in Marquette, want protection and the ability to walk their streets at night, and we know that the only way to do it is to continue funding for the 100,000 cops that currently exist with the cops on the beat program.

One of the most effective tools for law enforcement committees is about to become a casualty underneath the GOP crime bill. Those of us are here tonight, and many others who cannot be with us, intend to keep fighting to keep the 100,000 police officers on the street.

Underneath the GOP plan of block grants there is no guarantee that any police officers will be hired. There is no guarantee that the cops on the street program will be maintained. There is no program specifically earmarked for community policing.

Tomorrow I know the President will announce underneath a fast cops program that 49 more police officers have been awarded in my district alone, 250 in the State of Michigan. Marquette, with their program ready to run out, will be awarded another police officer. In the President's program, in the one that we are fighting to try to save, there is very little bureaucracy. In fact, in order to do a fast cop application, it is a one-page form. It is a program that began November 1, and here we are on February 7, 1995, just over 3 months, and they are already just in my State alone providing 250 police officers underneath the cops fast program.

It is a good program. It works. There is very little pork—there is no pork in it. There is very little administrative cost. My police agencies are very pleased with us and implore us to continue keeping this program.

One more word before I turn over to my good friend from Massachusetts [Mr. MEEHAN]:

Community policing and the cop on the street or cop on the beat, whatever handle you want to put on it, is a program I strongly believe in, having been a police officer for many years myself. When I was in the Michigan legislature, I helped to write the community policing program in Michigan. It is a winner. It works. But it only works when we put police officers in touch with their local communities, and they work together to provide secure residents, secure neighborhoods, by getting the trust, the faith and confidence back in law enforcement.

With that I yield to my good friend from Massachusetts who comes from maybe a little different perspective, not being a police officer, but a district attorney in Lowell, MA.

☐ 1950

Mr. MEEHAN. Mr. Speaker, let me first of all say to the gentleman from Michigan, Congressman STUPAK, I want to congratulate the gentleman for his efforts. One of the ways I think we are better able to articulate what we need to do in the fight against crime is to rely on the various experiences that the Members of Congress have. Certainly the gentleman's experience, 12 years as a police officer, is a very, very important experience and one that I hope that our colleagues will pay attention to as we debate this bill offer the coming days.

I wanted to comment first of all, the gentleman mentioned the one-page application. Because he was a police officer, the gentleman is aware that oftentimes police departments across the country express concern in dealing with the Federal Government because of bureaucracy in the past. But the gentleman has indicated a one-page sheet is all a police department had to fill out. I would imagine that the gentleman has gotten some favorable responses from the police departments in his district, as I did.

Mr. STUPAK. In the first round of the Clinton cops program, we did receive four sheriffs in one of my larger growing areas, two in Grand Traverse County, one in the city of Escanaba, and another in the California Kalkaska sheriff's department. All these individuals related to me once we submitted our application, there was some phone calls and verifications, and that was it. They sent in a voucher periodically, certifying the individual is working for that department. They sent in an invoice based upon their cost to the local department. The Federal Government then pays 75 percent. It was one of these programs that was so simple, they were so surprised at the reduction in paperwork, that the Federal Government not only did it right but did it extremely efficiently, quickly, and responded to their needs.

Mr. MEEHAN. I do not remember any time the Federal Government undertook such a major project, putting 100,000 police officers on American streets, and did it so quickly without really any of the bureaucratic messes that have plagued other programs in the past.

Just this past September, President Clinton signed into law what I believe was the most comprehensive, smartest, toughest crime bill in the history of this country. This legislation, as the gentleman indicated, was the result of many years of hard work from law enforcement professions. When I listened to the debate and the rhetoric in the Congress, I cannot help but think that we would be better off if we had more Members of Congress with some of the experiences in law enforcement. It would help kind of frame what this debate ought to be about.

It seems to me any law to put more police officers on the streets is very, very important, particularly this community policing, which is really the cutting edge of law enforcement.

We have an Attorney General now, Janet Reno, who is a lot different from previous Attorneys General in that she has been in the front line of the fight against crime. It is not often when we have been able to point to an Attorney General that has ever prosecuted a case, that ever has managed a criminal law enforcement agency, that has ever had to put prosecutors out to a homicide scene.

As I listen to the rhetoric in the Congress, it is very, very clear that there are very, very few Members of Congress who have had that experience in the frontlines of the fight against crime. And this crime bill, with 100,000 police officers, is without question working everywhere in America.

I want to mention my home city of Lowell and community-based prosecution. When I first became the first assistant DA in Middlesex County, by the way, it is one of the largest counties in the country, we had 13,000 criminal cases per year that came into that office.

It was my responsibility under the district attorney when there was a homicide anywhere in Middlesex County to have to respond to a beeper from the State police to get to a homicide scene to begin the investigation. The first five homicides in the county, three of them were in the city of Lowell. It is an area that has suffered through a very, very difficult time in terms of crime. Since the passage of the initiatives from this Attorney General and this administration, they have formed community partnerships, which are the hallmark of community oriented policing.

During the last year Lowell has opened up several neighborhood precinct departments in several neighborhoods. They put together something called Team Lowell that involves the community, the probation departments, the police department, and the school departments, working together to identify career criminals and identify those who are the repeat offenders.

They have also put together a community response team, with inspection services. They have closed down more

than 150 buildings in 1994 which were identified as drug houses. That is what the front line of fighting crime is all about. They have established flag football leagues, where the police officers are volunteering their time to work in these leagues to get kids headed in the right direction.

As I listen to the debate and I anticipate the debate on this bill, I am very concerned because the Republican alternative will not put 100,000 new police officers on the street.

Mr. STUPAK. I know the gentleman has been working on the crime task force with myself and many others, and you have been deeply involved in this. Do you know how many police officers will be allocated or earmarked under the Republican crime bill we are debating this week?

Mr. MEEHAN. There will be absolutely zero earmarked. What they are attempting to do is put money into block grants and send them to communities, and hope that those communities use the money correctly, and hope that those communities are on the cutting edge of community policing. So there is no guarantee there will be any police officers as a result of this crime bill.

Let me also say in regard to that, as I watch and try to figure out how in the world we could have passed a crime bill initiative like this, it has only been given four months to work, and all of a sudden there are new proposals coming forward. I see stories where it shows there are political polls that have been conducted to come up with this data, focus groups where they bring in citizens and figure out what citizens are thinking or what the buzz words are. And it really bothers me, because the fight against crime is serious business. It requires a level of professionalism. It requires looking beyond political polls and focus groups and looking at hard data of what works and what does not.

That is what this bill is all about. Community policing works. It works anywhere where it is instituted in America properly.

In my city of Lowell we have 13 city police officers that undertook a program of community policing, where we got those police officers in the community, learned who was who in the community, identified those worse offenders, those people who should be made a priority, and made them a priority in the criminal justice system. It worked with the majority of the other people to get the trust.

The gentleman told a story at one of the task force meetings of what happens and where you get information. You more likely get information riding in the neighborhood from a kid riding a bicycle, assuming that police office has the credibility. That is what happens under community policing.

It is interesting to me, because there was a press conference in the city of Lowell last week; the police chief wanted to have a press conference and show what happened in the city of Lowell as a result of the community policing efforts.

The report is out, and I got a copy of that report this week, that shows the number of assaults, burglary, larcency, and car thefts. In 1994 they have changed dramatically. For example, burglaries are down 34 percent in the city of Lowell as a result of community policing; residential burglaries, down 32 percent; business burglaries, down 41 percent; larcenies, down 23 percent; car thefts, down 20 percent.

Now, a lot of Members will not want to make determinations of how they going to vote based on this, because it is hard data from a police chief in a community that is making community policing work.

You see, this is not a political poll. It is not a focus group. It is not anything that necessarily sounds good. It is not something that has anything to do with authorship of a crime bill. It is just cold, hard facts of what is working in Lowell, MA. And it is community policing. All of these categories, crime is down significantly, and the police chief of that community says the reason it is down is because of the fact that they have instituted the community policing program there.

This is how we should be determining what we do in the crime bill, what is working and what is not. That is what fighting crime is all about. I know in your experiences you have had experiences where some things work and some things do not. Once we know what works, we have to put it into the form of legislation that gets the job done.

□ 2000

Community policing gets the job done.

Mr. STUPAK. It is not just what works; there has to be a commitment, a commitment so the resources will be there.

Back in 1978, 1979, when I was in the Michigan State Police, one of the first community policing pilot programs in the Nation was in northern Michigan. If I can go back up to Marquette County, it is a very large county. There it is very sparsely populated at some point and other points it has, like I said, my largest city of 17,000. But there are these three townships. We call them the tri-townships, which was sort of struck away from the center of population, sort of extreme end of the county. They had a rampant crime rate going on, based upon the number of people there.

The factors we looked at, back in 1978 and 1979, is population density, the number of crimes committed, and the number of juveniles who live in that area. Then when we went in there, we identified these three townships. We asked the township boards, one of the most local forms of government, if they would be willing to share in a community policing program and would they put up a police officer and some resources and the Federal Government would provide them with a State trooper to go in and to coordinate it and work out of homes and live in the communities.

Well, in less than 2 years, they reduced the crime rate by 70 percent. They were solving burglaries and safe jobs 5, 6, 7 years old already. But once the community realized that it was their police officer and it was them that were involved in this fight against crime, they knew that when they called that police officer and if their house was broken into, the police officer who responded would be the same police officer that followed up the investigation, who would be the same police officer that went to the prosecutor's office. It would be the same police officer would be there in court with them, that trust relationship developed and we were able to solve crime in this very sparsely populated, tri-township area of Marquette County. That was back in 1978–79.

When they left, when the trooper left in 2 years, tri-township still has a police department. They are still involved in community policing. And they still have been able to keep the crime rate at a very low rate, even up in northern Michigan.

So community policing does work.

You mentioned Lowell and your Team Lowell. In Detroit, with the 96 police officers they received underneath the Clinton Cops Program, they called their team or the program CLEAN, which is the initials for Community Law Enforcement And Neighborhood Teams.

So CLEAN in Detroit really symbolizes what we want. We want the community working with law enforcement who are in neighborhoods working together to help solve the crime problems. If it can work in Detroit, MI, or tri-township in northern Michigan, it can work anywhere in this country.

And it is one program that, yes, we need police and, yes, we need the public working with us, but we need some leadership and some financial resources from the Federal Government. And that should be our role. Not to tell them what squad car to buy or to buy this radio, but you set up your community policing program. We will give you the incentives. We will provide you, and it is up front, it says right on our application, 75 percent the first year, 50/50 the second year. The 75/25 match with Federal paying 25 the third year and the fourth year hopefully you arefinancially able to then provide the program itself.

And as you pointed out, correctly pointed out, here we are 3 months later, just over 3 months, arguing for the life of a program which everyone has said works.

How do Members go back to their local communities and say, that cop that was walking the beat, that was providing you that extra bit of security, that person you trusted, the person you had confidence in is going to

be terminated because we have just terminated the program. Because remember, we are talking about the same pot of money here.

When the crime bill was passed last year, I did not support all the aspects of the crime bill. In fact, I, even in the House, I voted for it. And in the final conference committee, because of what happened to the Byrne grants and some other crime labs, I was not pleased with it. I did not support it.

But the point is, there was $30 billion that was what we always centered around, $30 billion over 5 years which is going to be paid for by reducing the number of Federal employees that would go into the crime trust fund so the money would be there.

And the Republican proposal right now is $30 billion. But instead of having police officers on the street, what they want to do, they want to go to these block grants and they want to shift it to prisons. We will never fight crime if we merely throw everyone in prisons. We do not have enough prisons.

And the fallacy with the argument further is, you can provide money for the brick and mortar, but what about the costs for the security officers, the corrections officers, the administration of those prisons.

In northern Michigan, we had two prisons, one in Baraga, a maximum security prison, which Michigan went on a prison building spree in the 1980's, and we built these prisons. For 2 years, Baraga maximum security prison sat empty because the State did not have the money for the correction officers or for the administrative cost, operational costs of that prison. We had a juvenile detention center. We built a juvenile detention facility so young people that had to be incarcerated could still stay closer to their families. The closest one for northern Michigan was some 400 miles away, and it was built in Escanaba, my hometown. Again, when I was back in the State legislature, we got that program put in. That was 1989.

It just opened this year, excuse me, July 1994. So it has been built, it has been sitting empty because we did not have the money to maintain it. And now Michigan is on another prison building spree, Newberry regional site is going to be built, again up in my district. But how long will that last? They are going to use some Federal money to clean it up, build it up but, again, nowhere in either bill, the Republican proposal, is there any money for the administration, for the correction officers of these prisons.

Mr. MEEHAN. That is an interesting point. We are going to commit extra moneys, we are going to take money out of other sections of the bill and give it to build still more prisons without even having—we talk about local mandates, how people, once these prisons are constructed—who is going to pay for them? The local communities and the States are going to have to try to pay for them.

You are right, many of them do not have the money to pay for them. It is interesting, I had gone back to the D.A.'s office during the congressional break, and they had listened to a lot of debate on the crime bill. And they said, ''Boy, we disagree with much of rhetoric that we heard. And it sounded like you guys were really getting a lot of rhetoric about getting tough on crime.''

Ninety to 95 percent of all crimes in this country are enforced, prosecuted on the local and State level. And I have been amused by the debate in the Congress about getting tough on crime, and we are going to require so many of this and so many of that. And the truth of the matter is, all this bill is about is giving local prosecutors, local police departments some help. And no bill has ever given this much help in the history of the Congress to local communities in hiring more police officers and actually putting them on the street.

The other thing that I think is unfortunate is this bill passed with bipartisan support. This is not something that just Democrats should support or just Republicans should support. Anyone who has been in law enforcement, whether they are Democrat or Republican, support community policing.

Governor Bill Weld from Massachusetts, a Republican, a prominent Republican, strongly supports community policing. And guess what, he is a former Federal prosecutor. He knows a little bit about what law enforcement is really all about. He also supports, strongly supports the basketball programs that were part of that bill. Guess what? He is a law enforcement official.

Ralph Martin, a Republican district attorney of Suffolk County, strongly supports community policing money. So the truth is anyone that knows anything about what works in law enforcement in this country and what does not work strongly supports community policing.

So here we are, it seems to me, having this partisan debate back and forth. I have to believe it is all about authorship. It is all about, you have some of the same Republicans who supported this bill now apparently are going to go along with making some changes so it now can be a Republican crime bill rather than a Democratic crime bill. We need a crime bill. We do not need it to be Democratic. We do not need it to be Republican. This issue transcends partisan politics.

I wish that we could take the expertise that is available. If there is some tinkering that needs to be done, let us make some changes. But not wholesale changes that may result in my hometown community of Lowell, MA not being able to put together the type of community policing programs that work, that is making the quality of real people's lives better day in and day out because as a police officer in the communities that knows that community, making sure that burglaries, larcenies, and car thefts, businesses are safer, all are going down by anywhere from 20 to 41 percent.

□ 2010

Those are the facts. Unfortunately, too often in the debate around here, the facts are secondary. It is all sound bites, political polls: ''We don't want to know what law enforcement professionals say. What we want to do is what we think will make either the President look bad, the Democrats look bad, or somebody else look good.'' It is a foolish way to attempt to fight crime, and it is really unfortunate if we take a step backward, rather than forward, when we have a program that is working.

It is interesting that I talked about an urban area in Massachusetts, Lowell, MA, where it is working effectively, and you cited examples of rural areas where community policing is working effectively. It seems to me, Mr. Speaker, that is what this debate ought to be all about.

Mr. STUPAK. Mr. Speaker, the other point that should be made in community policing, nowhere in the bill that was passed last fall do they tell you how to do community policing. What may work in Marquette, MI, in our 116-unit public housing unit, may not work in Lowell, MA.

But what we have said is, this concept of community policing is flexible. It transcends party lines, it transcends neighborhoods, and what it must do is, you must tell us what works in your community, put forth your proposal, and we promise you that we have 100,000 new police officers that we would be willing to put forth and assist you in that concept.

So the creativity that we need to fight crime is there. The only thing we ask is to develop a program where the community can work with the police and build on friendship, trust, and confidence in each other to fight crime.

As we said earlier, I know you have alluded to it and I stated earlier, in order to fight crime it is everyone's responsibility, everyone in this Chamber, everyone who is listening to us tonight. It is our responsibility to help the police officers.

When I went to a crime scene as a State trooper, whether it was an automobile accident, a breaking-and-entering, or a murder case, whatever it might have been, I knew nothing when I got there until I stepped out of my car. I could rely on my sight, my five senses, but I had to rely on the community, witnesses, possible witnesses, to fill in the blanks for me or to create that puzzle, and when the puzzle is complete, hopefully then we could apprehend a perpetrator.

So we always had community policing in a sort of effort. The difference about this program is that being the police officer working a small community, hopefully I will know them on a

first name basis, we will have a chance to have communications in a more friendlier, relaxed atmosphere, as opposed to a conversation during the height of a crime or a criminal investigation.

Because when I pull up in my squad car they would not know who I was, and I did not know who they were, so two strangers or three or four strangers were supposed to solve a crime. But if we have three or four friends trying to solve a crime, the results are much greater.

Mr. Speaker, that is why community policing is such a valuable tool. It has been around for a few years. What has always kept policing down is the cost. It is expensive to assign a police officer to a couple of townships, and he takes his car home with him every night. It is not parked at the station.

He has certain needs which require a little bit more than probably a police officer who switches cars at every shift, and trades off with equipment, because each individual is a police officer and almost a police station in and of himself. His office is his home or his office is his car or her car. It requires a degree of help. What this program offers them is, we will make a 3-year commitment if they will commit to a community policing program that will work in their communities.

Mr. MEEHAN. Mr. Speaker, the other thing that is interesting, and I thank the gentleman, when we had the crime debate in August just before the recess, it became frustrating for me listening to the rhetoric of many Members of Congress who had never been in a district attorney's office, had never been police officers, and really had very little experience, real life experience, in crime, in fighting crime.

I challenge Members of Congress to take some time during their recess to go into a district attorney's office and volunteer, whether it be volunteer to work with attorneys on cases, whether it be to volunteer with victim witness advocates, who have to take the victims of crime and let them know what their rights are and help them through the criminal justice process, which is so intimidating to many victims, particularly victims of domestic violence, who really are victims twice, once to the original abuse, and twice when they have to go through a court system that frankly is not equipped to deal with the devastating problem that is permeating American society.

But I challenge Members, and I have talked to Members to see whether any had the time to go into a district attorney's office, or to go into a police department and learn what the front lines of the fight against crime is really all about. I cannot help but believe if more Members had been willing to do that, to really find out what is happening in district attorney's offices across this country, in attorney generals' offices across this country, in police departments, whether they be urban police departments, whether they be county police departments or suburban or rural police departments, it would certainly help the tenor of the debate here if we can begin to debate real, professional crime tactics, real, professional crime opportunities that we have around this country, rather than to listen to the bantering back and forth based on, as I say, a focus group, a political poll, what sounds good, what might make the President look bad, what they might be able to embarrass the Attorney General with, partisan politics, back and forth.

It is amazing. This is not a partisan issue; this is serious business. I feel very strongly that efforts to kill this community policing program are not in the interests of the communities that we represent, the communities clear across America.

It is really important that we stay the course and let this program work. Four months, 4 months, and we are talking about dismantling a program that I have shown very persuasive evidence tonight that is working, not only in Lowell, MA. It is working all over the country.

To take partisan politics to defeat this is something that disturbs me greatly. I hope that the debate on this will be a debate based on the merits of the argument. I oftentimes would break with my own party's leadership in the last 2 years, and boy, oh, boy, talk about party discipline this year, march step-by-step, go to the left, go to the right.

I hope that we can have a legitimate debate about the community policing program in this country, because it would be great for America, it would be great for law enforcement in this country, and I think in the long run it would dramatically increase standards of living by lowering the crime rate all over this country.

I thank the gentleman for his efforts on the Crime Task Force. I look forward to working with him over the next several days, and well into next week. I don't know how long we will get to debate the community policing program. It seems we are going to spend more time up front debating the first few days of the various victims' issues, which I think there is a broad agreement on.

There is nothing wrong with, as I say, making minor adjustments to the bill. We spent half a day, three-quarters of a day, debating something that we all agree on, that we all agree on, but it seems when we get down to the end of this debate on community policing and prevention programs that are working, it looks like we are going to be a little squeezed for time, because we are going to be running out of time. I am not sure whose birthday it is, but we have to get it done on Tuesday, so there is not going to be a whole lot of time.

I would hope that we could get a discussion based on the merits of the arguments over the next few days, and your experience as a police officer for 12 years has been invaluable to our task force, invaluable to the Members of Congress who are looking at this issue objectively, trying to find professional solutions to what many Americans feel is the No. 1 problem facing this country, crime.

So thank you for your efforts, and thank you for putting together this special order. I look forward to working with you.

Mr. STUPAK. I thank the gentleman for not only joining me tonight, but also last night, along with the gentleman from California [Mr. FILNER], the gentleman from Texas [Mr. CHAPMAN], and others who came out.

The purpose for doing these special orders or 5 minutes, as you can see, the Chamber is practically empty, is for the benefit of our viewing audience. It is our hope that they will call their Members and urge them to support the community policing program.

This debate will probably start, I think, Thursday, and then go into Friday and possibly Monday.

□ 2020

So time is of the essence. We are on this fast track legislation.

Many people throughout my district, and as I speak out more and more on community policing and 1,000 police officers, the cops on the street program, most people are not aware that the proposal that will be presented later this week is to kill this program, so we need help from the public to call their Representative and tell them to keep this program, keep the police officers on the street. We need police. We need prevention and not just the prisons and pork that are going to be offered by the other side.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on my special order of today, a tribute to Ronald Reagan.

The SPEAKER pro tempore. (Mr. HANSEN). Is there objection the request of the gentleman from New York?

There was no objection.

A TRIBUTE TO RONALD REAGAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York, [Mr. SOLOMON] is recognized for 60 minutes as the designee of the majority leader.

Mr. SOLOMON. Mr. Speaker, I take this special order tonight to pay tribute to a great American, the greatest American that I have ever known, and that is President Ronald Reagan. As you know, I had intended to hold this event last night as a birthday present for the former President, but the House was occupied on an even better birthday present, passage of the line item veto. And what better birthday present

could be offered to the President and to Mrs. Reagan than to complete the unfinished business of the Reagan revolution?

I know I speak for every Member of this House, Mr. Speaker, and virtually all Americans in offering President Reagan and his beloved First Lady, Nancy, our prayers and our very best wishes on this very wonderful occasion.

Mr. Speaker, what do you get for the man who has everything, so that saying goes? Well, Mr. Speaker, as we observe President Reagan's birthday, a better question is how do we appropriately honor a man who has done so much for us, for our country and for the cause of freedom around the world? Our tribute this evening should extend beyond the President's accomplishments in office, although they are numerous, too numerous to mention here tonight.

Let us examine Ronald Reagan's record with the benefit of historical reflections. The story has been told that during his darkest hours, President Nixon was reassured by those around him that history would treat him well. Ever sharp and skeptical, President Nixon shot back, ''That depends on who is writing the history.'' In the case of Ronald Reagan, Mr. Speaker, most of those writing the history of his Presidency have done everything in their power to turn light into darkness, achievement into failure and hope into despair.

Those of us who stood shoulder to shoulder with Ronald Reagan from the very beginning are here today on the occasion of his 84th birthday to say that we are not going to let them get away with it anymore.

Ronald Reagan's views now occupy the center, the main street, of American politics. Look at some recent House votes, the balanced budget amendment passed this House by 300 to 132; unfunded mandates reform to implement the new federalism Ronald Reagan espoused passed this House by a vote of 360 to 74, and the line item veto just the other day, 294 yeses to only 134 noes. All of these measures passed with substantial Democratic support from the other side of the aisle as well, good conservative Democrats voting for the Ronald Reagan programs that we were unable to deliver a number of years ago.

And, yes, Mr. Speaker, throughout the proceedings of the 104th Congress and, indeed, through the election of 1996, coming up, a history debate has been resolved in favor of the ideals articulated by President Reagan and his remarkable vision.

Over the last 15 years, President Reagan's goals were subject to the most robust scrutiny that our system of democracy has to offer. During the 1994 election, some liberal Democrats even campaigned against the Contract With America on the basis that the contract was a continuation of what, of the Reagan legacy. Can you imagine?

Well, Mr. Speaker, the actions of this Congress are evidence that President Reagan's legacy has not just endured that test of scrutiny and criticism but that it flourishes today to the benefit of all Americans.

It is useful to look back, however, in order to more fully savor and appreciate President Reagan's vision. American morale in the 1970's, think back, could not have been lower. President Jimmy Carter declared us in a state of malaise. Ronald Reagan's Presidency was what turned things around. Ronald Reagan's economic policies triggered the largest and longest peacetime extension of our economy in the history of the this Nation.

Nineteen million new jobs were created. Incomes grew at all levels and new industries and technologies flourished and exports exploded. Why? Because President Reagan, he cut taxes, he slowed the growth of domestic spending and regulation, and he restored faith in what he liked to call the magic of the marketplace.

That magic then caught on all around the globe. Remember, my colleagues, the world in 1980 was a very different place than it is today. The Soviet Union was continuing a massive arms buildup, bolstering the formidable number of missiles already pointed at the West, and at cities right here in the United States of America. Soviet troops were marching literally through Afghanistan. Do you remember that? Eastern Europe suffered under the boot of totalitarian regimes, and the Berlin Wall scarred the face of Europe.

The United States military was described back in those days as a hollow force, and our citizens were held hostage by thugs in a place called Iran. Do you remember that?

Our world today contains pockets of instability, but the simple fact is that democratic tide that has swept this globe in the last 5 years is a direct result of Ronald Reagan's Presidency. The man and his policies were essential to freedom's march across this globe. It was Ronald Reagan who faced down the nuclear freezeniks in this Congress and in Western Europe by deploying the Pershing II in West Germany.

Eventually this deployment and a policy called Peace Through Strength, Mr. Speaker, that you and I helped to formulate, forced the Soviets to the bargaining table. The result in 1987 was the IMF Treaty, the first agreement to eliminate an entire class of weapons. Ronald Reagan turned out to be right on that issue.

It was Ronald Reagan who armed freedom fighters in Afghanistan and in Nicaragua, allowing those nations to determine the course of their own destiny. Ronald Reagan was right.

It was Ronald Reagan who said this country had a moral obligation to defend its citizens from nuclear attack, and that we had to strive for something better than that and the same policy of mutually assured destruction with weapons aimed at every city in America. He said we must work for the day when nuclear missiles were no longer pointed at American cities.

But the experts laughed, and they ridiculed. ''This is nothing more than a naive daydream of a silly old man.'' Do you remember reading those headlines by the liberal press in this country? But you know what, again, Ronald Reagan was right. President Reagan pointed out from the start that the Soviet system was morally and financially bankrupt. Such a system, he argued, could not bear the cost of occupying Eastern Europe.

What was the ultimate result of Ronald Reagan's Peace Through Strength policies? Well, as Ronald Reagan used to say, the Soviet Union collapsed and captured nations all around this world were freed from the atheistic tyranny of the tentacles of communism.

Once again, Ronald Reagan was right.

It was Ronald Reagan who stood under the shadow of the Berlin Wall, which you all remember, and said, ''Mr. Gorbachev, tear down this wall.'' I will never forget his saying that. The experts laughed again, and decried his plea as a public relations stunt. Do you remember that? But Ronald Reagan was right again as he always was. Ronald Reagan encouraged us to maintain a strong defense in case the United States was forced to defend its interests in any remote corner of the globe, and after all, that is the reason this Republic of States was formed, to provide for a common defense, to protect America's interests around the world.

Given this, should anyone really be surprised that our Armed Forces performed so well during the Persian Gulf war? President Bush and General Schwartzkopf were able to lead our troops magnificently and to bring them home with astonishingly low casualties. Do you remember that? Once again, Ronald Reagan was right. Those of us who served in the House at the time and fought President Reagan's fights right here on this floor were so proud to do so.

I was honored that President Reagan signed my legislation to create the Department of Veterans Affairs so that we could guarantee that, with an all-volunteer military, it would work.

☐ 2030

As a member of the House Committee on Foreign Affairs. I was so, so proud to carry his water for a foreign policy respected around the world by friends and foe alike, and it was a privilege to join these battles, looking back at the enormous good that came of those policies. But, Mr. Speaker, more than any specific policy, we must salute Ronald Reagan's ability to bring out the best in us as a nation. He consoled us on the evening of the *Challenger* disaster. Do you remember that? It was a sad day in our history.

And on the 40th anniversary of the D-Day landing, Mr. Speaker, President Reagan painted a vivid picture of the

scene on that day and genuinely proposed that we, we dedicate ourselves to the cause for which those soldiers gave a last full measure of devotion.

He never offended us with staged prayers or phony flag placements. His words and his gestures were all genuine, and, as proud as we should be of his many accomplishments, Mr. Speaker, it is a sad commentary that it took over 5 years longer, over 5 years longer, to tear down the wall of resistance to the line-item veto and the balanced budget amendment. It took 5 years longer than it did to tear down the Berlin Wall and the Iron Curtain.

Ronald Reagan inspired a generation of young people to ignore the cynical bombardment of the media and hold dear the American heritage: ''hopeful, big-hearted, idealistic, daring, decent and fair,'' as he described it during his second inaugural address.

Mr. Speaker, last night 1,000 supporters turned out for a birthday party, including the former British Prime Minister Maggie Thatcher, that I attended along with many of you to pay tribute to this great President, Ronald Reagan. We were so fortunate to have him as our President during that period of time in the history of our country, and at this time I would yield to a Democrat, one of the finest Members of this House, the gentleman from California [Mr. CONDIT]. He is an outstanding Member.

Mr. CONDIT. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding to me.

Mr. Speaker, whether you are liberal or conservative, Democratic or Republican, from California or elsewhere in the country—you always knew where Ronald Reagan stood on any important issue.

One of his greatest achievements was restoring to our people a sense of the greatness of America.

He was honest, he was forthright, he did not quibble and he was bold. I have always been convinced our hostages were freed from Iran as Reagan took the oath of office because the President had described in great detail his contempt for the Ayatollah's regime. The Government of Iran knew, when Reagan described them as Barbarians, our new President would act if the hostages were not freed. They came home within hours of his oath of office.

Reagan never suffered from a lack of ''the vision thing.'' In large measure, the end of the cold war is the result of his steadfastness and courage in difficult times. In a statement in 1976 on nuclear war, he articulated his goal for all of us: ''Those . . . a hundred years from now will know whether those missiles were fired. They will know whether we met our challenge. Whether they have the freedoms that we have known up until now will depend on what we do here.'' And, 100 years from now, the answer will be that we met those challenges and Ronald Reagan led us to that victory.

Those of us in California perhaps know Reagan better than most other Americans. We embraced him in a special way. We got to vote for or against the former President on nine separate occasions. In California, a State known for its diverse communities, its fickle political loyalties, and its great passion over various ideological issues, Reagan was elected overwhelmingly, every one of those nine times.

Mr. Speaker, I say to the gentleman from New York, Mr. SOLOMON, I'm delighted that you allowed me to stand here with you today to pay tribute to, salute and pay tribute to, a great citizen of the Golden State of California and a great American, Ronald Reagan.

Mr. SOLOMON. Mr. Speaker, I certainly want to thank the gentleman from California [Mr. CONDIT], and he is a Member of the other political party. I used to belong to that political party many years ago myself, and I remember when, about the same time that Ronald Reagan saw the light, so did I, but I just want to thank the gentleman for his comments because certainly no President deserves more bipartisan remembrance and support than Ronald Reagan. I can just stand here all night and think of all the times that he has inspired me, but I can recall one time:

As a matter of fact, I was over in Korea, and we had been over trying to arrange in Vietnam to bring home the remains of fallen soldiers, and we were socked in by bad weather. We could not get back, and it was for the State of the Union Message, and that was the night that Ronald Reagan picked up this heavy budget that was about so thick, and he brought it up, and he dropped it like that on the table, and his finger got caught underneath it, and he actually cracked the bone in his finger.

But he was talking about the Federal Government and how it has grown into such huge bureaucratic proportions, and Ronald Reagan never really had the opportunity to make the corrections because he never really had a Congress that would back him up. In 1981 and 1982, Mr. Speaker, he accomplished more in the first 2 of his 8 years than in all the other time, and unfortunately, because we did what we are going to do this year, we made the cuts in the spending in this Congress that really need to be made to bring us back to fiscal sanity around here.

We made those cuts, and unfortunately a lot of us got beat, and a lot of good Democrats as well, those conservative Democrats that sit in that corner right on that side of the aisle, and a lot of Republicans, and consequently Ronald Reagan in the next 6 years, was dealing from a point of compromise where he never could really finish the Reagan revolution, and I am going to be speaking about that as I close out my remarks in a few minutes, but right now I would like to yield to one of the outstanding Members of this body. He is from Miami, FL. He is now a member of the Committee on Rules with me, and we are so proud to have him there because he is my kind of a guy.

He is like Ronald Reagan. He is a fighter, and he is a man of vision, and I yield to the gentleman from Miami, FL [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I want to thank the gentleman and say, as chairman of the Rules Committee, you were instrumental and really decisive in the fact that passage of the line-item veto was accomplished on President Reagan's birthday, and I think that that was so appropriate because, as you have mentioned, he fought so long for passage of that, that weapon in the arsenal that will be needed to balance the Federal budget, and what an appropriate birthday present it was for President Reagan.

Mr. Speaker, at each moment in the history of the United States, when the Nation has been in danger, great leaders have risen to guide the Nation to safety.

□ 2040

I think, as Chairman SOLOMON pointed out so wisely, it is appropriate and really necessary to think back upon the condition of the Nation and the world at the time that Ronald Reagan became President, at the time that he was elected to the Presidency in 1980.

I think it is important to think back a minute to that moment. The Soviets, as Chairman SOLOMON has mentioned, felt so emboldened, felt so unthreatened and so unchecked, that for the first time in history, even after so many instances and examples of aggression that they had committed, for the first time in history they rolled their own tanks directly into a nation not even in the Warsaw Pact, a nation that was not even a slave nation, a satellite nation of the Soviet Union, into Afghanistan. They just directly rolled their tanks in there and surrounded, as you will recall, the Presidential palace, and they blasted away, killed the President and first family there in Afghanistan, and they just felt that they were completely unchecked.

That is along with the capture of our Embassy in Iran by those thugs, as you so well mentioned, I thinkthat illustrates where we were at that point, the lack of respect with which the United States was held in the world, and internally what was reflected, creating that lack of respect, the era of malaise, as Chairman SOLOMON pointed out.

We saw in that era also how, for example, just a few years before the Soviets felt so unchecked that they moved into Africa through the Cuban Castro surrogates, in violation of an agreement after so many years of struggle, for example, in Angola, between the—against the colonial forces, the three different groups there had an arrangement. Yet the communist group, the MPLA, felt so unchecked, unthreatened, that they broke the arrangement and called in the Soviets and Cubans, and they were taking over Angola.

Of course, we saw what happened in Ethiopia, Somalia, and you mentioned El Salvador and Nicaragua.

In fact, I recall, at the time that President Reagan took office, an analysis about El Salvador that pointed out the collapse of El Salvador was imminent. There was nothing we could do. And in Nicaragua, of course, the communists had already taken over. In Grenada, here in the Caribbean as well, the communists had taken over. And then Ronald Reagan became President. And he called the Soviet Union what it was.

I remember like you described him, Mr. Chairman, the experts, when they laughed at President Reagan for calling the Soviet Union what it was, the evil empire.

Now, if you ask the people of Russia or the other captive nations at that time whether the Soviet Union was the evil empire, they certainly knew the answer. But a lot of the so-called experts laughed at President Reagan when he called the Soviet Union what it was. And he worked in such a close alliance with that other figure, as we were speaking before at the beginning of this special order, the other instrumental figure in world history in this century, Pope John Paul II. And he worked in close concert, in such a close relationship with the Pope. And I remember reading a report after the Reagan Presidency about how he put the intelligence community and every instrument of American power that he could at the service of the Pope. And he said:

> You listen to the Pope, because the Pope knows what is going on in Eastern Europe and he knows how to deal with those Communists. Listen to him.

That relationship between Ronald Reagan and John Paul II was a decisive relationship in the history of the world, and we saw what happened. And he announced the strategic defense initiative. And the experts laughed at him again and said that is not possible. And we know now, just a few years after the collapse of the Soviet Union, that it was the Strategic Defense Initiative, along with the rest of the Reagan policies that directly led to the explosion that occurred, the collapse of the evil empire.

And he liberated Grenada. I was not in Congress, but I know, Mr. Chairman, that you were, as was the Speaker and others, and how you had to put up, and I see Congressman HUNTER here as well that was in Congress at that time, and how you had to put up defending at that time the liberation of Grenada that the President had accomplished, had carried out, against such ruthless attacks, ruthless attacks, from Members in this body as well as in the media who did not want to recognize the truth and the fact that Ronald Reagan was right, as Chairman SOLOMON stated so eloquently this evening.

And he armed El Salvador, and he saved El Salvador; and he armed the Afghanistan people, and he saved Afghanistan, and he armed the Africans fighting against the Communists, and he saved them as well; and he armed the Nicaraguans against all the pressures, and forced even the Communists in Nicaragua to have elections there, the last thing that they would have ever wanted to do. A great man had risen to lead the greatest Nation on earth to safety, and to save the world. And the rest is history now.

The year that Ronald Reagan left the Presidency, the Berlin Wall collapsed. And then the Soviet empire itself, the evil empire itself came tumbling down.

Now, some will say that it was among the greatest miracles of all time, and it certainly was. Of course, the hand of providence was involved. But it would not have happened without the direct participation and the leadership of Ronald Reagan.

Chairman SOLOMON and Mr. Speaker, he inspired me. President Reagan inspired me to become a Member of our party, as he inspired millions of Americans throughout our country in so many important ways. And I thank him from the bottom of my heart for all that he did for the United States of America, and for freedom and for our posterity. Thank you so much, Chairman SOLOMON.

Mr. SOLOMON. Congressman DIAZ-BALART, I just want to tell you those eloquent words mean so much to me, because I know you spoke them from your heart.

You know, you mentioned Pope John Paul. There is another part of that triangle, and her name was Maggie Thatcher. Between the Pope and Maggie Thatcher and Ronald Reagan, they, more than any three people in this world, are the very reason that democracy is breaking out all over the world instead of the opposite, communism breaking out all over the world.

It was the peace through strength movement that you spoke of that was supported by our free market economy, by this democracy that works, as opposed to a communist government. And because the Soviet Union could not keep pace with us, that is what bankrupted them. That is what brought them to their knees, and that is why democracy is breaking out all over this world.

Let me recognize another part of the country, the State of Georgia, and an outstanding sophomore Member of this body, JACK KINGSTON.

Mr. KINGSTON. Thank you, Mr. Chairman. I certainly appreciate being part of this great special order on a great American, and have enjoyed listeningto you and Mr. DIAZ-BALART and DUNCAN HUNTER.

My wife and I actually met through College Republicans. We were so enthusiastic in 1979 with the Reagan campaign, when he won, and Libby would say to me on many occasions, ''Don't you just love this President? He's the first one in our life we can be absolutely enthusiastically thrilled over,'' and so forth, and she would go on and on and on about Ronald Reagan.

I finally said, ''Libby, I think you love Ronald Reagan more than you love me.'' And she said, ''Yes, but I love you more than I love George Bush.'' So she put it in perspective for me.

But as you have pointed out, it is absolutely true that Ronald Reagan defeated the Soviet Union without firing a shot. And I think today that the freedom that we have and the democracy that they are getting is simply because of that war. It was the coldest of wars, and yet it was so important. And as people look back and criticize the military buildup during that period of time, that maybe they would prefer to have a deficit than they would to have the deaths of young Americans that would have happened had we continued on the road that we were on.

As you have pointed out, he did the same all over South America and all over the world, and restored America to being a true world leader. I have heard the saying many, many times that there shouldn't be a policeman of the world, but if there is one, let it be America. And that is what Ronald Reagan did. It was always peace through strength.

In addition to that, there is so much domestically. Creating 18 million jobs, the largest peacetime prosperity in the history of this Nation. Bringing down interest rates. Interest rates in the late seventies were 20 percent. When Libby and I went to buy our first house in 1979, the interest rates were 16 percent.

☐ 2050

How many young couples can get on their feet with paying 16 percent interest? It is very difficult to do. Inflation, 12 percent when he took office. And he brought it down to the extent that now it is hardly even a campaign discussion.

The Iranian hostage situation, remember now depressing that got to Americans and how we were told, well, we just cannot go in there and play cowboy anymore. Ronald Reagan did not have to. All he had do was put on his uniform and then the Ayatollah got the message.

The great thing about Ronald Reagan, I would say, beyond those accomplishments was that intangible American spirit that we have within all of us that he reached in our heart of hearts and made us pull out. The other night at this alumni dinner, there were so many people there from all over the country who had returned to Washington to celebrate Reagan's 84th birthday. There were many, many people there from all over the country. One man who was not there is a constituent of mine, Joe Tribble who was a Reagan appointee in the Department of Energy.

But like Joe Tribble, the people who were there the other night were there not because they served in the Reagan administration. That was a job and it

was good times. It is because they were part of something they believed in. And they were all there to say, here was a guy who was a clear-cut thinker, a great American.

If you look at the PATCO situation, there would be so many Presidents who would waffle on the air traffic controller strike. So many Presidents and politicians in general who would say, I am not sure, maybe they should have a right. Reagan said, they took an oath of office that they would not strike. They struck. They are fired. It was clear cut. You might not have always agreed with Ronald Reagan, but he told you how he thought. He told you what he was going to do. And he did it. And that was a strength that made him such a great American leader and world leader, because at the time we had forgotten those sort of things.

I had the great opportunity to meet him one time, Libby and I. I was not serving in Congress with some of you guys, but Libby and I had an opportunity to meet him in Savannah, GA, and had a chance to talk to him, one on one.

What struck both of us is that he was a very sincere and very gentle and very graceful man. He would be the kind of guy you would describe as the last one to leave the foxhole, but the first one to open the door for a lady or senior citizen. Absolutely had the touch.

You will remember the debate with Jimmy Carter, the famous ''there you go again,'' just the graceful way of saying, you know, we have had it, we have heard it.

In 1984, I was going door to door, running for the Georgia Legislature. And I represented a very solid middle-class district and still have the honor of representing most of those people in my congressional or the congressional district that I represent. And I would go to the door and people would say, are you Republican or Democrat? And I would say, I am Republican. And they would say, I am going to vote for you because I have had enough. And I was the first Republican elected to the Georgia General Assembly from the 125th House seat, but I can say clearly, it was because of Ronald Reagan.

Fortunately, I had the picture that Libby and I had with Ronald Reagan, and we put it in a big ad in the paper that said, ''Reagan-Kingston, let's face it, we need conservatives on all levels of government.''

A good friend of mine who was working for my opponent at the time told me, he said that ad sealed our fate. We knew that if you kept running a picture of you and Ronald Reagan in there, even though you were running for the State legislature, that would do us in.

So I would say, I will yield the floor because I know that the gentleman from California [Mr. HUNTER] wants to say a word or two. But just a great American, somebody that you are happy to be on the ballot with and happy to say, that is my President.

Mr. SOLOMON. The gentleman from Georgia [Mr. KINGSTON] is just such a great addition to this body, ever since he got here. We just appreciate those words on behalf of Ronald Reagan.

Let me say that the next speaker, the gentleman from California [Mr. HUNTER] never is a man of one or two words.

He is a man of many words. All of what he says always makes sense. He is one of the most valuable Members of this body. He has served on the Committee on Armed Services since he arrived here. And when I was on the Foreign Affairs Committee, we were pretty good tandem in carrying the water for Ronald Reagan.

Mr. Speaker, I am proud to yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman from New York [Mr. SOLOMON] for yielding.

I have to say that you were my leader in the Reagan revolution on the House floor and did a wonderful job. The gentleman from Georgia, who has mentioned all the great accomplishments of Ronald Reagan, he himself standing here obviously is part of that Reagan record of accomplishment, because it was the great conservative message that he exuded that helped to bring the gentleman from Georgia [Mr. KINGSTON] to this place and myself.

Mr. KINGSTON. I know my time is up, but the thing that Ronald Reagan did, as much as anything, was let you believe in the American dream again. And one of my dreams, my mother was a Republican Party leader for many years, when I was a small boy, one of my dreams was to be a Member of Congress. And I think Ronald Reagan assured me that the American dream was alive and well. And so you are correct on a very personal level.

Mr. HUNTER. I thank the gentleman. I know we may be out of time shortly. I just would advise my friends, I am going to take an hour and we can continue for a few minutes, if my friends have some other things to say.

But you mentioned about the freeing of the world, a great part of the world under Ronald Reagan. The interesting thing is even though his adversaries classified him as a friend of the rich and the Republican fat cats and all of those derogatory things that they said, he really was a man of the people and not just a man of the average people in America, the middle class in America, but around the world.

Because of his policies of peace through strength and pushing the Russian bear back and refusing to allow our allies to be intimidated by the Soviet Union and finally breaking down the Soviet Union, he created a situation in which literally millions of families around the world no longer had to sit huddled at their dinner table waiting for that knock on the door from a representative of their police state involving themselves in that family's affairs, taking off members of that family to the gulags, to the jails, to the prisons, because of their beliefs, because of their religious beliefs, their desire for freedom or their desire simply not to be ruled by a particulardictatorship or proletarian state.

So Ronald Reagan freed literally tens of millions, hundreds of millions of people around this world who had very little relationship to the United States.

And he did that, I might say, by rebuilding America's defense budget.

I think it is appropriate that on his birthday, we reflect on the great things that he did in rebuilding national defense from that level in the 1970's, when we had 1,000 petty officers every month leaving the Navy because they could not support their families on what the Carter administration was paying them.

I remember he brought us from that period when we had about 50 percent of our combat aircraft that were not fully mission capable because we had been cannibalizing those aircraft to get spare parts. And it is fitting and proper that we should talk about him today when President Clinton has dropped his defense budget on this Congress, because President Clinton's defense budget, I think, takes us back to those Carter days or starts us back to those Carter days. It is literally $100 billion in real terms, approximately $100 billion less than the budgets that we had in the middle of the Reagan administration.

In fact, most of President Clinton's cuts that he gives great ballyhoo to have been taken from national security, taken from national defense.

What did Ronald Reagan do? I can remember when the Soviet Union very aggressively in the mid-1980's was ringing our neighbors in western Europe with their SS–20 missiles. And they were greatly intimidating our neighbors. And Ronald Reagan moved forward against the advice of all the liberal Members of Congress and liberal pundits and liberal defense experts. He moved forward to put our own ground-launched cruise missiles and Pershing missiles in Europe. That is, he stood up to the Soviet Union, and an apocalyptic situation was predicted by those on the left.

They said, now you can have it. You are going to bring the country down. We are going to have a conflict with the Soviet Union. Yet a few days later, Mr. Gorbachev was on the phone and wanted to talk.

Those talks blossomed into arms control treaties, real arms control treaties in which we trusted but verified. And they brought peace to a great deal of the world and ultimately resulted in our defense budgets coming down, although I think this President has taken them far below where they should prudently be.

Ronald Reagan saved a ton of defense money by being strong at the right time.

□ 2100

I thank the gentleman for yielding.

Mr. SOLOMON. The gentleman from California is so right. Even when we attempted to rescue the hostages being held in Iran, as the gentleman mentioned, we had to actually cannibalize about seven helicopter gunships to get five that would work. Three of those failed and so did the mission. That was typical of what was happening when we were losing back in those days all of our noncommissioned officers and officers because they could not afford to stay in the military. They were on food stamps.

That is where the peace through strength movement came in. We rebuilt our military, we funded it properly, and that is what brought freedom throughout this world.

Mr. Speaker, there is another Member here who is a new Member of this body. He has only been here for 5 weeks, but I can tell you, there are 73 new Republicans in this House. This one I really appreciate. He replaced a Democrat named Tim Penny. Tim Penny worked with me in sponsoring a lot of legislation to try to get this sea of red ink under control that is in this budget here today, presented by President Clinton.

I would like to recognize him now for a few minutes, the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from New York, [Mr. SOLOMON] so much.

I am so excited and proud to be part of this discussion tonight, because I think I speak on behalf of an awful lot of the freshman class this year, that Ronald Reagan was such a leader and such a symbol and such an inspiration to all of us.

In fact, I must tell you in our own family one of our most cherished possessions is an autographed picture that we have of Ronald Reagan, and it is prominently displayed. My wife, Mary, really is one of Ronald Reagan's biggest fans.

I am just so happy to be here to talk a little bit about some of the things that I remember most about President Reagan, both before he became President, and listening to the gentleman from California [Mr. HUNTER] earlier tell the story about the national defense.

I will never forget, I was just thinking about getting into politics in a serious way in 1979. Former Congressman Vin Weber hosted an event up in Minnesota. One of the people who was invited to speak was a gentleman by the name of John Lehman. This was before President Reagan became President.

I will never forget what he talked about. He literally laid out the Reagan defense doctrine that day. It became really the cornerstone, I think, of the Reagan foreign policy. What he said was that it was time that we look the Soviets in the eye, eyeball to eyeball, and say simply this: If it is an arms race that you want, it is an arms race you will get. It is an arms race you cannot win, and it is an arms race which ultimately will bankrupt your economy.

That was, in a sense, I believe, the cornerstone of the Reagan foreign policy and the cornerstone of the Reagan defense buildup. I think now that we have seen, and many would have never guessed that we would see the day when, as we did a few years ago on Christmas Day, when the red flag came down for the last time over the Kremlin, that we would see the death of communism in our lifetime.

However, it is largely because President Reagan had the vision and the foresight to enunciate that policy and to stick by it, even when some of his own advisors had encouraged him to abandon, for example, SDI, or what some would call Star Wars.

Another memory that I have of President Reagan, I remember, again before I entered the political arena and ran for the legislature, in 1980, in January, I was in Nuone, MN. Some of you were probably here for the inaugural. I will never forget that inaugural address. I pulled the car off by the side of the road and listened on the radio to the inaugural address.

I will never forget how he closed that inaugural address. I think we ought to remind ourselves of it often, because I think it typified President Reagan, his beliefs, his values, and I think he spoke so clearly to the American people when he told the story of the young man from Wisconsin who had written on his diary during World War I, that he was going to work and he was going to fight and he was going to serve as if the entire outcome of the long and bloody battle depended upon him and him alone.

Then President Reagan closed, and I think this is a direct quote, I had this committed to memory, I may not have it exactly right, but I believe the words were these. He said:

> Our problems do not require that kind of sacrifice. They do, however, require our best effort, and our willingness to believe in ourselves, to believe in our capacity to perform great deeds; that together, with God's help, we can resolve the problems which confront us now. And after all, why shouldn't we believe that? We are Americans.

I've got to tell you, those words burned in my ears and they burned in my consciousness. I think it is one of the reasons that I ultimately ran for the State legislature, and by the grace of God, ultimately ran for the United States Congress, and I am so proud to be here today.

One of my favorite expressions from Ronald Reagan, and I use it often, if you talk to my staff, and we used it in the campaign, we use it around the office a lot, I believe originally came from Benjamin Franklin. President Reagan used it often. He said ''Facts are stubborn things. You know, we can ignore the facts, we can deny the facts, but ultimately facts are facts.''

As he pursued his agenda, as he pursued the things that he wanted to do for this country, he stuck by the facts. I think, Mr. Speaker, many people called him the great communicator. He was a great communicator, but he was a great communicator principally because he stuck to the facts and he talked in simple terms that the American people can understand.

As a matter of fact, another story that I always like to remind people of with President Reagan was when he went to Reykjavik and he negotiated with Mikhail Gorbachev. I remember the stumbling block was SDI. Again, the press was fond of using the term Star Wars. Essentially, we could have a large reduction in nuclear arms if only President Reagan were willing to give up on this misguided notion that he called Star Wars.

Ultimately, the meeting broke down and they were not able to solve many of the big issues. I will never forget, the national press was saying, essentially, This old man was unwilling to give up on this crazy idea, Star Wars, and as a result, we didn't get that peace treaty, the press was having a field day, and they were trying to make light of all of what had happened, trying to make President Reagan look bad.

The next night he came back and he spoke to the American people. He spoke in very simple terms. He said that the SDI, the Strategic Defense Initiative, was America's insurance policy against Soviet cheating. The interesting thing was, the next day all the polls were taken, the overnight polls, and about 85 percent of the American people understood exactly what the President meant and they agreed with him. Than all of the ballyhoo stopped.

Facts are stubborn things. One of the real tragedies, I would say to the gentleman from New York [Mr. SOLOMON] about what is happening today, many people are trying to rewrite the facts. They are trying to rewrite the myths about what really happened in the eighties.

The eighties was a very special time. I don't want to be redundant. I suspect some of the issues have been covered earlier. However, when we look at what really happened with the economy during the eighties, we continue to hear that it was the decade of greed, and during the eighties the rich got richer and the poor got poorer.

The facts do not simply bear that out. The truth of the matter is that real per capita income during the eighties went up by 15.7 percent, and average family income increased by more than $15,000. In fact, if you look at the poverty rate, it dropped from 13.7 to 12.1 percent.

The budget deficit, believe it or not, was only $152.5 billion during his last year. Now we are looking at $200 billion plus budget deficits, on to the end of this decade, and we are saying that it was because of the Reagan buildup.

When you talk about taxes, we keep hearing that the rich didn't pay their fair share during the decade of greed, but the average tax payment for the lowest 50 percent of earners fell by 26 percent between 1981 and 1988, and we removed 6 million low-income families from the tax rolls during the eighties.

The other myth is that social spending was slashed. We talk about all the Reagan cuts of social spending. Unfortunately, I would say, over 45 percent of the $1.9 trillion in new expenditures during that period went to social spending.

We hear the myth of charitable giving, that Americans were greedier in the eighties, but the truth of the matter is that charitable giving rose $48.7 billion during the eighties, a 55-percent increase.

Mr. Speaker, it was a very special time. President Reagan was a very special President. In fact, one of my last memories I would like to share with you tonight, my wife and I talk about this often, was when he finally left office.

I talked about when he was sworn in, but when he left the office for the last time, out here on the steps of the Capitol, he turned around and saluted. I remember saying to my wife at that time, I said ''Mary, you know, he was a long time coming. He will be a long time gone.''

Mr. Speaker, if I could, I would like to close my remarks here with a quote, and I would like to submit for the CONGRESSIONAL RECORD a column which was written by Jeff Bell, because he said more in a few words about Ronald Reagan and he said it better than I can say it. I would like to submit for the record this column.

However, I would like to close, if I could, with the last paragraph, because I think it says so much about President Reagan: ''Unfashionable, misunderstood, or held in contempt by political elites of all stripes, never respected by the press, patronized privately, even by his own aides, Mr. Reagan soldiered on with his populist vision and unexpected moves, essentially alone at the top, for eight years of the most pivotal years in world history. This was more than enough.''

Thank you, Mr. Speaker; thank you, I would say to the gentleman from New York; and thank you, President Reagan.

The article referred to is as follows:

[From the Wall Street Journal, Dec. 27, 1989]

MAN OF THE DECADE? MAN OF THE CENTURY!

(By Jeffrey Bell)

As European communism collapses, it would seem logical that credit would be given to the man who led the winning side during the decisive period. This shows no sign of happening.

Abraham Lincoln and Franklin Roosevelt died just before the end of the great struggles they won. Ronald Reagan has lived to see not just ideological victory over communism, but what increasingly appears to be a vindication of his seemingly most outlandish hopes for a democratic world. Yet few people give Mr. Reagan himself much credit.

Perhaps this shouldn't be so surprising. In one way, the treatment of his presidency in the year since it ended is a continuation of the pattern of Mr. Reagan's entire political career, which led his opponents (and a solid majority of his allies) to underestimate him and his ability every step of the way. The dynamic of underestimation is helped along by the foibles of his wife, in particular the taste for luxury embodied by the Reagans' recent multi-million dollar trip to Japan, engineered by Mrs. Reagan and her long-time friend, Charles Z. Wick. Harmful as this sort of thing to Mr. Reagan's post-presidential image, in the long run it will be relatively unimportant to the story of Mr. Reagan's presidency.

WINNER OF THE COLD WAR

Clare Boothe Luce once remarked that any great presidency can be summed up in a sentence or so. Lincoln: He destroyed slavery and saved the Union, thus preserving and enhancing democracy's example to the world. Reagan: By making democracy vigorous again—ideologically, economically, militarily—he won the Cold War and ended the century-long era in which socialism appealed to popular opinion.

How did Mr. Reagan manage to do these things in his eight years? Did he in fact do them at all, or did a combination of circumstances cause these things to take shape during his watch?

Both of the above are true. Historic opportunities presented themselves to Mr. Reagan—and he took advantage of every single one of them. The result was a global revolution.

Mr. Reagan cut the top personal tax rate in this country from 70% to 28%. He ended inflation and achieved a seven-year-long expansion that created 20 million new jobs. He asserted traditional values, unapologetically. He revived patriotic sentiment and remade the Supreme Court. In the Webster abortion decision, his appointees delivered a crucial defeat to judicial elitism.

In foreign policy, Mr. Reagan was frustrated in Lebanon and Nicaragua, but ultimately nowhere else. He rolled back communism in Grenada. His Strategic Defense Initiative set technological limits on Soviet hopes for strategic dominance. In Afghanistan, Angola and Cambodia, the Reagan Doctrine served notice that Soviet advances were no longer irreversible.

In Mr. Reagan's first term, the Brezhnev-Andropov Soviet regime showed a tendency to push matters in the direction of global confrontation, particularly in its boastful reaction to the Korean Airliner shootdown of 1983. In the face of this frightening Soviet attitude, Mr. Reagan showed no inclination to compromise on anything—SDI, the defense buildup, the deployment of Pershing-IIs in Western Europe or the Reagan Doctrine.

But when Mikhail Gorbachev succeeded to the Soviet leadership in March 1985. Mr. Reagan quickly discerned—before it was evident to almost anyone else—the possibility of a profound change. His repeated assertion of this possibility won him much ridicule through most of his second term, from his natural allies most of all. Particularly after Reykjavik. Mr. Reagan ran into much criticism in this country and in Europe for his indulgent attitude toward the Soviet leader.

But Mr. Gorbachev, perhaps surprisingly, turned out to be the sort of leader highly susceptible to praise and approval from his antagonists. His growing willingness to unleash the human forces in his empire will undoubtedly win him a major place in history, whatever happens to him personally from now on. But that same history will evaluate Mr. Reagan's handling of Mr. Gorbachev as one of the masterpieces of 20th-century diplomacy.

Mr. Reagan's greatest foreign-policy failure was the Iran-Contra scandal, in particular his attempt to trade arms for hostages. When Mr. Reagan tried to retrieve the situation, with the Kuwaiti tanker reflagging of 1967, initially just about everyone saw his efforts as absurd. The press did. The allies did. The Democrats did. His fellow conservatives did. Even the Navy Department did.

But Mr. Reagan, who genially ignored his critics when he was determined on a course of action, once again was right. The operation was chaotic and seemed to have little rationale, but its target succumbed. In agreeing in 1988 to a cease-fire in the eight-year-old war against Iraq, the Ayatoliah Khomeini likened the action to drinking a cup of poison—a cup necessitated by Mr. Reagan's move into the Gulf. This must be the closest thing in recent politics to an international concession speech. This tribute from Mr. Reagan's most implacable and resourceful enemy was a cut above anything said on behalf of the policy at home.

But that was always the way in the Reagan years. A radical or unexpected Reagan initiative would be greeted with reactions ranging from disbelief to ridicule. It was open season during the execution of the policy, which, as is so often the case with radical or counter-intuitive policies, invariably ran into many hitches. Then, upon the success of the policy, there fell a dead silence as to Mr. Reagan's earlier role in it. Mr. Reagan liked to joke about how the word ''Reaganomics'' suddenly disappeared as the magnitude of the 1982–89 expansion became clear.

Mr. Reagan was full of jokes and stories, and never seemed to take anything said about him personally, but he was deadly serious about his goals. He loved to talk politics and issues almost all his adult life, but never sought office until he was 55. He steadily developed and forwarded his agenda, with many setbacks, until he was 69. Then he became the oldest man ever to take office as president, and (despite a fearful wound) served until he was nearly 78, as the most consistently effective president since Lincoln.

Still, Mr. Reagan the political leader has been underestimated even by many who recognize his achievements. They note his lack of interest in the details of policy, and the role of talented aides in forcing through a number of his programs. Yet how odd that Mr. Reagan's success continued through a succession of four White House chiefs of staff and six national security advisers who differed widely from each other in knowledge, style and policy.

Perhaps even more revealing is that in some of his most distinctive policies—tax rate reduction, abortion, SDI, the Reagan Doctrine, the Kuwaiti reflagging, the decision to address human-rights activists during the Moscow summit, to name a few—Mr. Reagan acted against the expressed opinions of nearly all his close advisers. Historians may conclude that Mr. Reagan's lack of interest in administrative details masked a laser-like ability to separate the important from the transitory, and to focus on the important.

THE WORLD HIS OYSTER

Perhaps the greatest irony of all is that the one area where virtually everybody thought him deficient—foreign policy—may prove to be his most lasting success. In a moment of bemusement a couple of years ago, the Washington Post remarked in an editorial that when Mr. Reagan ventured aboard, he found not just the nation but the world was his oyster.

His successes at home and abroad were intimately related. It was partly, of course, that domestic revitalization fed into renewed American assertiveness on the world scene. But it was also that, unlike nearly everyone else in U.S. politics in the 1980s, Mr. Reagan thought foreigners aspired to a fully democratic life just as much as Americans did. His Wilsonian-FDR global populism, the element of his ideology least shared by U.S. elites of both the right and left, is what ties together the ''hawkish'' Reagan of the first term and the ''naive'' Reagan of the second, and made the two work toward the same end: the globalization of democratic values.

Unfashionable, misunderstood or held in contempt by political elites of all stripes, never respected by the press, patronized privately by most of his own aides, Mr. Reagan soldiered on with his populist vision and unexpected moves, essentially alone at the top. For eight of the most pivotal years of world history, this was more than enough.

□ 2110

Mr. SOLOMON. I say to the gentleman from Minnesota [Mr. GUTKNECHT] I really want to thank you for those eloquent remarks.

You know, I only regret that Ronald Reagan could not be in office here today with this new Republican majority backed up by 40 or 50 conservative Democrats. Look what we have done in just 5 weeks, and think what we could do over the next several years if Ronald Reagan were still President.

You know, the first week we were here, I will say this to the gentleman from Minnesota [Mr. GUTKNECHT] because it came with his help, we began to shrink the size and power of the Federal Government and started it with the Congress.

The second week we were here we passed an accountability act which foists the same laws on the Congress that we foist on the American people. What a message that sent.

The third week we did the impossible, we passed the balanced budget amendment, something Ronald Reagan wanted so much.

And the fourth week we passed unfunded mandates, something that was impossible to pass before the new Republican majority took over.

And look what happened on Ronald Reagan's birthday yesterday, that line item veto. You know, if we had Ronald Reagan here, think what we could do for the next 2 years, welfare reform, product liability reform, capital gains tax reductions, tort reform. We could go on and on and on.

Since we are running out of time, Mr. Speaker, let me say in the epilog of Ronald Reagan's autobiography on American life, the President recalled his thoughts as he boarded the plane to California after George Bush's inauguration, and I have a picture of him saluting hanging on my wall with he and his wife Nancy boarding that helicopter. You know, he described a feeling of incompleteness, that there was still work to be done, a balanced budget amendment to the Constitution, and a line item veto for the President to cut out unnecessary spending.

Well, Mr. Speaker, this House passed a balanced budget amendment on January 26, and as I said before, the line item veto passed yesterday.

We have done President Reagan's unfinished business. We are just getting warmed up. Over the next several months and years we will finish the Reagan revolution of shrinking the size and the power of this Government and returning the power back to the States and local governments and letting the private sector run and work the way it should, you know.

Mr. Speaker and Members, I would like to close with a quote from Ronald Reagan's first inaugural address and suggest it apply to this 104th Congress as we continue the second Reagan revolution. I say to the gentleman from Minnesota [Mr. GUTKNECHT], here is the exact language, and you were not far off, he said, ''We have every right to dream heroic dreams, to believe in ourselves and to believe in our capacity to perform great deeds, to believe that together, with God's help, we can and we will resolve the problems which now confront us.''

And after all, why should we not believe that? Because we are Americans.

Mr. President, we wish you a very, very happy 84th anniversary, birthday. Thank you so much for what you have done for America. America will never forget you.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from New York for organizing this special order to pay tribute to one of the 20th century's greatest world leader's former President Ronald Reagan.

Yesterday was President Reagan's 88th birthday and as we honor him, I want to express sincere thanks on behalf of myself and everyone in my congressional district for the visionary leadership that he gave to this Nation during the 8 years he was its Chief Executive.

I had been in Congress for 2 years when Ronald Reagan formally entered the American political scene by giving his thrilling televised speech in support of Barry Goldwater in 1964. His heartfelt statement of his conservative political beliefs made likeminded conservatives like myself look up and see a standard bearer whom we would be able to rally behind in the future.

I was already very familiar with his career as an actor and television spokesman, and I continued to follow his effortless switch to the public arena when he ran for governor of California in 1966. The astounding margin by which he upset an incumbent governor put everyone who watched on notice that a political force be reckoned with had arrived.

After his 8 successful years as governor of our most populous state, Ronald Reagan devoted all of his considerable energies to seeking the Nation's highest office. In 1980, during a dark time for our Nation, he waged a successful campaign to set the ship of state on the proper course again.

The Republican landslide that seized Washington in the wake of the Reagan victory created heady times for conservatives, and we waged many battles here on the floor of the House to bring about the changes that President Reagan spoke of in his revolutionary campaign. And although the President's party did not then control this chamber, for a brief period of time, his ideas did.

During the President's first year of office, his leadership enabled us to set America on the course that would win the Cold War and turn loose the engine of economic freedom. The work that he did then made it possible for the new Republican majority here in the House to have the cohesive agenda for its first 100 days that is energizing this country.

Mr. Speaker, as President Reagan battles illness at his California home, it is altogether proper that we gather to honor him and his legacy in this way. I know that all of my constituents join me in sending our heartiest congratulations on his birthday, and to this great American, we wish Godspeed.

Mr. SHADEGG. Mr. Speaker, I am honored to be able to participate in this tribute to a great American—Ronald Reagan—and to his continuing legacy. Through my father's lifelong association with Senator Barry Goldwater, I first met then Governor Reagan in 1968 on my way to the Republican National Convention in Miami. He impressed me then and he impresses me today. There can be little doubt that it was his commitment to downsizing government, renewing federalism, restoring America's defenses and re-establishing our belief in ourselves that led to the tide that swept Republicans to victory on November 8 and put this House under the control of the Republican party for the first time in 40 years.

As we debate the Contract with America, whose central features are intended to bring fiscal discipline to Congress and the country, I am absolutely confident that the Reagan record will stand the test of time. Under the policies of Ronald Reagan, America experienced the longest period of peacetime expansion in our history. This expansion created 19 million new jobs ad more than doubled the U.S. economy. Regardless of all attempts to rewrite the Reagan legacy, the central fact is that Ronald Reagan's policies benefited more people at every economic level than ever before.

Had Congress had the discipline to rein in domestic spending during the Reagan years, not only would we have defeated the Evil Empire, but we also would have avoided the serious deficits and mounting debt which now threaten our security.

Thanks to Ronald Reagan more of the world is free today than ever before and as a result, people who were once prisoners of tyranny and our enemies are now our trading partners. It was his vision for the Strategic Defense Initiative that is being pursued today to protect our troops on the battlefield; and it was his commitment to peace through strength that brought the cold war to an end.

Ronald Reagan reminded us daily and by example what it means to be an American. He is still reminding us today.

It is for all of these reasons and for all of the others that will be discussed in this tribute that the Goldwater Institute, a Phoenix-based public policy institute, will present to him their prestigious Goldwater Award. The award is presented to an individual whose efforts have significantly promoted the principles that Senator Goldwater championed through out his career: Limited government, economic freedom and individual responsibility.

This year the award will be presented on April 21 and will be accepted by Former First

Lady Nancy Reagan. The award ceremony will be a true celebration of the movement for limited government. Barry Goldwater, the man largely responsible for launching the movement, will honor President Reagan, who brought the movement to victory. And, the keynote address will be given by our Speaker, NEWT GINGRICH, the man whose task it is now to carry this movement into the future.

Mr. WELLER. Mr. Speaker, I rise today to honor former President Ronald Reagan. I am proud to have this opportunity to speak about our 40th president who was born 84 years ago, in my home State of Illinois. At the age of 9 his family moved from Topica and settled in Dixon, IL where he played football and basketball, ran track, served as president of the student body, and first performed as an actor. Continuing his education in Illinois, Ronald Reagan graduated from Eureka College in 1932 with a degree in economics and sociology.

From humble beginnings, Ronald Wilson Reagan went on to become a sportscaster, actor, governor of California, and President of the United States.

Sworn in at the age of 69, Ronald Reagan was the oldest President ever elected. As one of America's most popular Presidents, Reagan presided over a period of great fiscal growth as he revitalized the American economy. Through his efforts, the American people enjoyed great prosperity, while he steered the country through the delicate times of the cold war.

Mr. Speaker, the state of Illinois is proud to have Ronald Wilson Reagan as a native Illinoisan. It is for this reason and all of his great services to the United States of America, that efforts are being made by the Illinois Senate to have Interstate Route 57 designated as the Ronald Reagan Highway. Stretching from the great city of Chicago, through the fields of middle America, to the beautiful scenic land of southern Illinois the Interstate offers a view of both the Land of Lincoln and the birthplace and early home of Ronald Reagan.

I urge my former colleagues of the Illinois State House to pass the legislation honoring Ronald Reagan and name Interstate Highway 57 after him.

Mr. ALLARD. Mr. Speaker, I am pleased to join in this celebration of President Reagan's 84th birthday. Ronald Reagan's place in history is secure. With each passing year, his stature as a leader grows.

President Reagan's most important contribution was the leadership he provided during the West's long struggle with totalitarian communism. When he called the Soviet Union an evil empire media pundits scorned him. Today, we all know that he was right. But President Reagan provided far more than rhetoric in the struggle against communism. In 1980, America was dangerously weak and demoralized. President Reagan understood this and he directed the strengthening of all aspects of our military, coordinating our efforts with other members of the Western alliance.

Following the end of World War II, country after country fell to communism. All of Eastern Europe fell, much of Asia fell, and inroads were even made in Africa and Latin America. the Iron Curtain went up, and freedom was on the defensive. This all ended in 1981. From the point when Ronald Reagan entered the White House, no additional territory fell to the Communists. From that point forward the tide began to turn. On all fronts, the Reagan administration backed the forces of freedom. Solidarity in Poland was helped, the Afghan freedom fighters were helped, Grenada was liberated, and democratic struggles throughout Latin America were supported. The Soviet Union was confronted by a Western alliance that had finally awaken to the dangers of appeasement. The alliance was greatly strengthened by the friendship and support of President Reagan's close friend and ally, British Prime Minister Margaret Thatcher. The west won the cold war, and Ronald Reagan deserves much of the credit.

President Reagan's second great triumph was his economic plan. We was the first modern President to directly challenge the notion that more government was good. In his view, Government does not solve problems, it subsidizes them. While this view is widely held today, it was ridiculed throughout the 1960's and 1970's. During those years, Reagan was nearly alone in his struggle against the endless growth of government. But he never altered his message. Unlike other politicians, he stood firm, and gradually the country moved his way. That is what made him a leader.

The Reagan program of lower taxes and less regulation was a tremendous success. In the early Reagan years all income taxes were cut across-the-board by 25 percent. The decade to follow witnessed the longest peacetime economic expansion in the history of our Nation. All income groups experienced significant income gains from 1980 to 1989. Twenty million new jobs were created, and the vast majority were high-paying professional, production, and technical jobs.

In the late 1970's inflation was as high as 18 percent, and interest rates rose to 21 percent. The Reagan economic program brought both of these down dramatically. The 1970's malaise brought on by high inflation, skyrocketing interest rates, high unemployment, and high taxes was replaced by an economy that fostered opportunity, growth, and optimism.

President Reagan rallied our Nation. He reminded each of us of our proud history and heritage. He was never afraid to proclaim his love for America. Most important, he stood up for what he believed. He knew the importance of strength and resolve. The result was the most successful Presidency in decades. As Reagan himself reminded us:

> History comes and goes, but principles endure and inspire future generations to defend liberty, not as a gift from government, but a blessing from our creator.

Happy birthday Mr. President.

Mr. SOUDER. Mr. Speaker, I rise to pay tribute to the 40th President of the United States, Ronald Reagan. Many have called our new freshman class the children of the Reagan revolution or the real Reagan revolution.

Ideologically, this is true. We are committed to the principles upon which Ronald Reagan was the chief spokesman: reduce the size of Government, cut taxes, rebuild not undermine our Nation's strong moral and family base, and stand for a strong America. In my case, it goes beyond the generalization. In 1964, just after my 15th birthday, I heard Ronald Reagan's famous speech for Barry Goldwater for President. Like many others, I was moved to action.

First, I took $5 of my hard-earned ''pop-bottle sorting'' money I earned at our family's general store and sent it to Goldwater. Second, I was activated and never looked back. After Goldwater's shocking defeat—he did pretty well in my hometown of Grabill—I organized a Young Americans for Freedom chapter at Leo High School, one of the Nation's first high school YAF chapters.

At our 1968 Leo High School commencement, as senior class president, I was asked to speak. In my draft remarks was a quote from then Governor of California Ronald Reagan, with the comment, ''who will someday make a great President of the United States.'' Our faculty advisor, Mrs. Mumma, said to delete it or I couldn't speak. It was deleted off my cards, but I ad-libbed it anyway, being a somewhat independent person.

At the 1971 YAF national convention, I was part of a group of conservatives pushing Reagan to run in 1972. In 1976, I helped in his surprise victory in the Indiana Presidential primary for President. President Gerald Ford was respected in Indiana, as our neighbor from Michigan, but our hearts were with Reagan. A friend of mine, who had also been a Reagan backer since 1968, won the 4th Congressional District Republican primary in that same election. That Reagan fan went on to upset an incumbent member of Congress in the fall. I now hold my friend, and fellow Reaganite, Dan Quayle's old congressional seat.

In 1980, Dan Quayle went on to defeat an incumbent U.S. Senator and another friend of Reagan won the 4th District Congressional seat. After Quayle was elected Vice-President, our friend DAN COATS moved up to the U.S. Senate.

This is the Indiana version of the Reagan revolution. To those who thought the Reagan revolution was over, prepare yourselves. Dan Quayle is obviously still an important player and DAN COATS is in the Senate, and I am joined in the Indiana House delegation by my distinguished freshman colleague DAVE MCINTOSH, who worked in the Reagan administration.

After a short break, we are back. The legacy of Ronald Reagan will live on, led by the first State for Reagan—Indiana.

Mrs. FOWLER. Mr. Speaker, I rise today to pay tribute to former President Ronald Reagan, who celebrated his 84th birthday yesterday.

President Reagan has always loomed larger-than-life on the political landscape of this Nation, and though he has retired from the spotlight, his many contributions to our Nation are still being felt today. His enlightened world-view and his commitment to our national security ultimately resulted in the end of the cold war and the spread of democracy around the world.

And the conservative ideals upon which he based the Reagan revolution are experiencing a renaissance, as both citizens and lawmakers realize that the big-government, bureaucratic approach to problem-solving is not working.

I know that this must be a bittersweet birthday for President Reagan, as he faces what is perhaps his greatest challenge. However, I am also sure that he derives a great deal of comfort from knowing that he has his devoted wife at his side, that he is remembered in the prayers of a grateful Nation, and that, once again,

on the horizon of this great Nation, there is a glimmer of morning in America.

Happy birthday, Mr. President, and thank you.

Mr. CRANE. Mr. Speaker, Ronald Reagan's Presidency brought a fresh breath of renewed freedom to this country shackled by regulation, inflation, high interest rates, and higher taxes at the time of his first inauguration.

It was the policies of Ronald Reagan which brought about the greatest national upset of the century—the collapse of the Soviet Union. Ronald Reagan toppled the reign of an evil empire which its own citizens sought but who were helpless to free themselves from—the dictatorship which Lenin and Stalin had set upon them.

He kept his faith in America.

Ronald Reagan gave this country its biggest tax cut in the first year of his presidency. The Reagan cut stimulated the dynamic growth of the decade that followed, an explosion which created 20 million jobs.

Ronald Reagan adhered faithfully to traditional American family values. He was adamant against abortion.

It was Ronald Reagan who touched off the debate on free trade. His leadership in this area brought about our first free-trade agreement with Canada. The NAFTA pact followed.

I personally have been a Ronald Reagan supporter for over a quarter of a century. I battled in vain to gain him the Republican nomination for President in 1968 in Miami Beach, and in 1976 in Kansas City. When I withdrew from the presidential campaign in 1980, I threw all my support behind him.

Ronald Reagan—a native of my own home State of Illinois—was ever the optimist who recognized that the United States still represents the world's best hope.

Mr. FUNDERBURK. Mr. Speaker, I join with my colleagues in sending grateful happy birthday wishes to President Ronald Reagan.

Mr. Speaker, there are a few figures in each century who transcend their times. Americans point to Washington and Jefferson, Britons to Winston Churchill. As we celebrate his eighty-fourth birthday, it is past time to add the name of Ronald Reagan to liberty's pantheon.

It is hard to remember what it was like before Ronald Reagan came to Washington. The 1970's were a decade of disillusionment. Communism was on the march. Democratic government and the rule of law were in retreat. We were even questioning our purpose as Americans.

Yet, there came a great wind of change in 1980 which left America and the globe transformed beyond all recognition. Ronald Reagan led the way. Like Churchill before him, he gave free people the voice they thought they had lost. His ideas produced an economic dynamism Americans had not seen for decades. He exuded confidence in the American spirit. He harbored no inhibitions about the use of American power and he stood guard as the iron curtain crumbled before our eyes.

Mr. Speaker, Ronald Reagan mirrored the thoughts, desires, and faith of ordinary Americans. He recognized as they did, that America is ''the bright shining city on the hill.'' Happy birthday, Mr. President. May you have many more.

Mr. PACKARD. Mr. Speaker, today we celebrate President Ronald Reagan's birthday. During his administration, President Reagan rekindled our Founding Fathers' guiding principles of limited government. In his inaugural speech President Reagan reminded Americans that ''we are a nation that has a government—not the other way around.''

I began my congressional service under his administration. I came here sharing Reagan's vision of American renewal. Today, his insight continues to drive the work of the 104th Congress as we press for less spending, less taxes, and less regulation. His philosophy echoes in the mandate Americans sent Congress in November. His values provided the underpinnings for the Republican Contract With America.

Under decades of liberal leadership, the Congress forced the American people to carry the weight of a bloated, wasteful government. Under Reagan's leadership the American people found relief from the liberal tax-and-spend machine and a sense of national renewal.

During the 97th Congress, President Reagan initiated the line-item veto by choosing to hold the line on wasteful spending. He sent House Joint Resolution 357—the continuing resolution providing appropriations for fiscal year 1982—back to Congress. He courageously tried to protect the American taxpayer from unnecessary spending. Unfortunately, Mr. Speaker, the budget-busting liberal Congress chose to ignore his warnings and continued to produce wasteful, bloated budgets year after year.

The Republican-controlled 104th Congress has the opportunity to roll back the big spenders in Congress. President Reagan showed us the way. Now we must take the lead and pass the line-item veto.

Mr. Speaker, it is an honor to recognize President Reagan for his political and personal achievements. His freedom agenda, our Republican Contract With America, is alive within the walls of Congress. Happy birthday, President Reagan.

NATIONAL SECURITY CONCERNS

The SPEAKER pro tempore. (Mr. HANSEN). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I want to talk about something that was important to Ronald Reagan and important to the American people and at the heart, I think, of our success as a Nation during the 1980's and very much at the heart of whether or not we will be successful in the 1990's, and that is national security.

Today the President unveiled his defense budget and, Mr. Speaker, to be charitable, it is a budget that slashes national defense.

To give you some idea of the magnitude of the cuts that have been made by the Clinton administration, it is important to understand that in 1990, President Bush, then President Bush, got together with the Democrat leadership of this House, and he established a defense line below which we would not cut, and Democrats and Republicans agreed that that was an important line to keep, an important mark to keep if we were to maintain America's interest and maintain the security of our people. Now, after the fall of the Berlin Wall and the commencement of the breakup of the Soviet Union and in light of that, in 1992, President Bush got together with his Secretary of Defense, Dick Cheney, his then Chairman of the Joint Chiefs of Staff, Colin Powell, and they put together an other defense budget, and because of the breakdown of the Soviet empire, they decided that they could prudently cut $50 billion over 5 years below the agreement that the President had made with the Democrat leadership in 1990, and they started to engage in those cuts, $50 billion.

Well, when President Clinton was elected, he put together a 5-year defense plan cut $127 billion below even the Bush cuts of $50 billion. That means about $177 billion below the agreement that had been made in 1990.

I want to talk tonight a little bit about what this installment, this year's installment of the Clinton defense cuts will mean to the armed services of the United States and to the security of the American people.

You know, last year the President's people projected what this year's defense budget should be. And what is very interesting, and I heard Secretary Perry give a very well-ordered speech yesterday in description of the defense budget, but it was interesting to see that Secretary Perry and President Clinton have cut $9 billion in new weapons systems, new equipment systems, out of the budget that last year they felt were important systems. And it is also interesting to see that President Clinton understood last year that he was about $6 billion short with respect to this year's defense budget. He knew he would have to get the money somewhere.

And yet he only added $2 billion to this year's defense spending, meaning he knew that he was going to be going in the hole about $4 billion.

Well, Secretary Perry says, and I am paraphrasing his theme, he says that our country will be ready to fight even with these reduced forces. Let me tell you how low our force structure is going to be under the Clinton defense plan.

We are going to go from about 18 active army divisions to 10, almost cut 50 percent in our army divisions. We are going to cut from about 24 fighter air wing equivalents to about 13, and we are almost there. That means we will have to cut from America'sair power almost 50 percent.

That means we are cashiering young people at a rate in excess of 1,500 young people a week out of the military, and I am reminded of what George Marshall said at the conclusion of World War II when we were demobilizing at such a radical pace, and when he was asked how the demobilization was going, he said, ''This isn't a demobilization, it is a rout,'' and I would assert what we are undertaking right now is not a demobilization, it is not a drawdown, it is not a prudent reduction, it is a rout.

Now, I want to concentrate right now just on what the President is cutting this year, that last year he said he needed. First, the first item on this list is called the TSSAM, TriService Standoff Attack Missile, and very simply, for those folks that watch CNN and watched our aircraft in Desert Storm approach various strategic institutions of Iraq like bridges and roads, command bunkers, and for those people that watched those precision-guided munitions leave an aircraft some distance from the target and be guided in by a laser spotter or other means, they watched those munitions guided in and hit those targets precisely. I think we all remember when CNN showed the depiction of Iraq's luckiest taxicab driver. He was a guy that got about all the way across that bridge, just barely got across the bridge before a precise munition hit that bridge and destroyed it.

Very simply, in these days when the other side, the bad guys, have some missile systems that are very accurate, that is surface-to-air missiles, that can kill your planes, knock down your planes and kill your pilots, you need to have standoff missiles. Those are systems you can launch from many miles away. You can turn the airplane back. You can get the airplane safe, and your missile will follow on. It will hit that bridge. It will hit that antiaircraft position. It will hit that command bunker with precision. We need precision-guided systems.

Now, the interesting thing is that after he canceled this new precision-guided system that we desperately need, the President also canceled some other classes.

□ 2120

He canceled the air-launched cruise missile, which is a very accurate system and which could have filled in for the standoff missile that he was cancelling. So, he canceled the air-launched cruise missile also. We were going to purchase between 75 and 100 air-launched cruise missiles, and the President canceled that system.

Now, with respect to Cobra helicopters, the Cobra is a gun ship. It is one of—in light of the fact that we have not developed a new helicopter lately, we have not moved forth on the Apache program. It is an important helicopter for our ground troops and works in close support with our Army and with our Marine troops in ground assaults. The President canceled nine of those.

With respect to the Comanche helicopter, which is a new scout, armed scout, helicopter that the Army says is very important to their mission and that the President's own review, the so-called Bottom-Up Review, said was important to the Army's mission, the President has entered an order of no production. We are going to be building a couple of prototypes, but we are not producing as of now.

With respect to the DDG–51 Aegis destroyer, we are coming down from a Naval fleet that was close to 600 ships, between 500 and 600 ships, and we are coming down to less than 375 ships, and the DDG–51 Aegis destroyer is a very important ship because each one of these ships carries what I call a little SDI system. It is a system that allows radar to track a missile that is coming in, or an aircraft that is coming in, and shoot out a standard missile, one of our surface-to-air missiles, ship-to-air missiles, and destroy that incoming missile, and this ship has a potential of being developed as a theater ballistic missile defense system.

Now what that means is, for those of us that watched those Scud missiles, which are ballistic missiles, zeroing in on our troop concentrations in Desert Storm, Aegis destroyers off the coast of Iraq, had he had this new theater missile ballistic missile system developed at that time, it could have shot down those missiles in mid-air, much as your Patriot missile systems did with varying results on the ground. So, this is a system—this new ship maintains an air defense system, which could blossom into a theater ballistic missile defense system that will protect American kids, our men and women in uniform who are concentrated in various areas of the world.

So, it is a very important system. The President is canceling this new production, this production of a single new ship, in this year's budget.

He is also canceling this LPD–17 amphibious transport dock. Now that, according to the bottom-up review, is an important part of our ability to take a beachhead, and the President is going to cancel that.

F/A–18 C/D's; those are our new fighter slash attack aircraft that are based on our carriers which are supposed to take over the roles of two aircraft, our F–14's and our A–6 attack aircraft. Now the interesting thing is we actually purchased about 27 fighter aircraft last year in the entire American inventory. That means that the United States of America bought fewer fighter aircraft than the country of Switzerland.

Now, just to keep our fleet modern, because we lose a few aircraft all the time, our aircraft are always exercising, they are always training, they are often on deployment. Just to keep the fleet modernized so we do not end up with a bunch of 1965 Chevy aircraft, we have to buy about six times that number of aircraft each year just to keep our fleet modern so the young men and women who are flying those aircraft have a good chance of coming back alive.

The President this year is going to buy 12 aircraft. That is less than half of what Switzerland purchased last year.

Now with respect to E–2C's, those are the AWACS aircraft that our Navy uses, and those aircraft can detect adversary aircraft. That means that, if we have a ship or a battle group that is off the gulf in the Middle East, and we have aircraft, adversarial aircraft, that are launched by Iraq or Iran, and E–2C aircraft is your early warner. That is the aircraft that has a guidant pod on top of it, a radar system, and it can tell you what is coming in, and when you scramble your own aircraft to meet that threat, it helps direct them in for the kill. We are canceling one of those this year.

The Tomahawk missiles I already mentioned; we are canceling 97 of those. Tomahawks are tried and true missile systems, and I cannot give you the absolute number of standoff weapons because that is a classified number, but I can tell you that we areshort on standoff weapons. We could expand in a real conflict like a Desert Storm conflict all of our standoff weapons in a fairly short period of time, and it makes no sense, even if you are downsizing people and you are cutting the number of ships and the number of aircraft you have, it makes no sense to cancel your standoff weapon systems and cut down those numbers. Those are bullets in your gun, and just because we have enough troops and have enough bullets right now to go out and engage in a very fast firefight, you also have to have sustainability. That means the ability to fight for days, for weeks, and sometimes for months, and that means you have to have a big enough stockpile of ammunition and missiles to do that job.

And finally we have the Trident II D–5 missiles. That is considered to be very important part of the remaining part of our nuclear deterrent. Those are nuclear missiles, strategic missiles that are mounted on our submarines, and while we are cutting out almost all of our land-based missiles, we are alshing our bomber force, we are relying more and more on our submarines, and yet the President is cancelling this most modern program in our strategic submarine-launched ballistic missiles.

So this President interestingly is not just cutting $127 billion below what George Bush thought was prudent. He is cancelling his own systems. He is cancelling systems that he said last year we would need and that his own experts said we would need, and I see the gentleman from Georgia [Mr. KINGSTON] has risen. I yield to my friend.

Mr. KINGSTON. Mr. Speaker, I say to the gentleman, ''Thank you, Mr. HUNTER. I wanted to make sure I got this straight. You were saying earlier that what the President or the administration had said is that we can fight a battle on two fronts, a war on two fronts, and, listening to you, I'm not so convinced that is true. How would you respond to that?''

Mr. HUNTER. Well, actually I think it would be very, very difficult for the United States to be engaged in two wars the magnitude of Desert Storm and win, and secondly, even if we won, it would be very difficult to win without taking enormous casualties. Secretary of Defense Dick Cheney said, as I recall, some months into the Clinton cutbacks that it would be very, very

difficult to win a single Desert Storm again in the manner that we won it the first time, and there are two aspects to fighting this regional conflict.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, let me ask him about Desert Storm.

Now that was what, a 43–42 day war?

Mr. HUNTER. It was a very short war because the United States has overwhelming force, and that was the point that I am getting to, that you reap a couple of benefits from having a vastly superior force. One is that you close the war down quickly by winning with overwhelming force, but the second is you do not bring a lot of young Americans back in body bags, and it was projected that we could have lost 40,000 people in Desert Storm, but because we were so successful in building enough weapon systems in the 1980s, like the M–1 tank, the Apache helicopter, the Patriot missile system, we were able to win quickly, and that saved thousands of Americans' lives.

Mr. KINGSTON. Now that being the case, as I recall, and I used to know the number, but the American casualties were just incredibly low for a conflict of that scale. Does the gentleman remember the numbers offhand?

Mr. HUNTER. I do not have the exact figure on the number of American casualties, but I believe the number of American KIA, killed in action, was less than 200, and interestingly almost a majority of those, or a majority of those casualties, came from the Scud attacks, just a few ballistic missile attacks which were made by Saddam Hussein, and that brings out the question as to why this President is cutting back on our antiballistic missile capability because we saw with just a few launches Saddam Hussein was not only able to show the world that he had offensive capability against the United States, but he was able to bring about our largest number of casualties when his Scud missiles hit the American barracks.

□ 2130

So this President has cut back on theater ballistic missile defense systems, and that means our ability to stop an incoming missile that is launched by an enemy that is coming into our troop concentrations. Our old Patriot system was kind of a model T. It was kind of a model T Ford, and the incoming ballistic missile, the SCUD system, sold to Iraq by the Soviet Union, was kind of a model T also. They were both fairly slow moving in terms of modern warfare. But by golly, we shot down those missiles, a number of them in midair, and saved a lot of our troops. We had varying success, but at least we had something to shoot some of those missiles out of the air.

This President ought to be accelerating the program. Let me tell the gentleman, you have the theater high-altitude defense program, this great Navy program where we already have the radars on the ships. We have to train them to be a little different. You have the missile tubes for the standard missiles. We need a little modification, and we can turn that system on the Aegis ships, which the President is cutting, we could turn those into theater defensive systems.

So if we have a marine America amphibious force on the land in the Persian Gulf, say they just made a beachhead and are there with their tents and operations and artillery and are setting up, and SCUD missiles start coming in, our Aegis ships can back off of the land a little bit and throw up a protective umbrella around those marines with their antiballistic missile defense systems, they can shoot down incoming ballistic missiles that come in to threaten those marines.

That program is called the Navy upper-tier program, the high end of this Navy program, which has a Navy lower tier that is kind of like the Patriot missile defense system, but the Navy upper-tier program that can shoot down the fast-moving incoming ballistic missiles, has been cut down to $30 million by the President. That may seem like a lot of money, but that allows us to basically terminate the program. It gives you just enough money to terminate the program, pay all the contractors you owe money to.

Mr. KINGSTON. You were saying earlier that the number of divisions in the U.S. Army is being scaled back from 18 to about 10. What is happening in the Marines, particularly as respects this program? Because if you do not have the manpower, you do not have the technology. I know that we have got shuttle diplomacy, and I do not know that this administration has really anything to brag about on shuttle diplomacy. I think the Carter administration sure does, it has resurrected itself quite well.

Mr. HUNTER. I would say, to be fair to the President and the Secretary of Defense, Mr. Bill Perry, the Marine Corps forces have not been reduced. they have only been reduced by a few tens of thousands. They have not been reduced as drastically as the Army has been reduced and as the Air Force has been reduced. I think that that makes a lot of sense. So that is one area where this administration has not reduced drastically.

But one thing that this President has done with respect to the marines is run them ragged. And my information is that the marines who came out of the Bosnian theater, who had to come back after 6 months, were given about 12 days of time with their families, and then they went right back into the Haitian theater. That is called stretching people thin. And that is one reason the Commandant of the Corps said at one time he only wanted single people to apply to the Marine Corps, and that is because there are not a lot of wives, except maybe some congressional wives, who will put up with these husbands being gone for such long periods of time.

Mr. KINGSTON. I am going to have to grab a little time here to say it is also true with the Rangers. Fort Stewart is in the district I represent, the 24th Infantry Division, and my district manager's husband is a Ranger and another employee's husband is a Ranger, and they are gone all the time. And they are first class people, just top-notch.

Mr. HUNTER. In fact, the gentleman has opened up another area that I think is very important, and that is that we have utilized our Armed Forces, the remaining Armed Forces that we have, as world policemen. And these peacekeeping operations in Haiti, in the Bosnian theater, I think we have carried on now the Bosnian airlift longer than we carried on the Berlin airlift. In Africa and around the world, we are using our military forces, but not so much in sending them out with a military mission to win a waror battle and come back, but as peacekeepers. I think when the final bill is in, we will have spent about $1.7 billion until Haiti just on that peacekeeping operation.

What that does to the gentleman's Rangers is it stretches them thin. It keeps your Rangers from spending as much time as they should at home. It also uses up the money that they have for training and for equipment repair and for spare parts and all the things that amount to readiness, it uses that money up. And let me tell you what Secretary Perry has said, to go through this analysis he has been giving for the past several days.

He has been saying, you know, we are not going to sacrifice readiness. He was a little embarrassed by the three Army divisions last year to be found to be in less than a complete state of readiness. He said it is true money used for peacekeeping missions comes out of the hide of the military. That means you do not get to train your top gun pilots, go out to the rifle range as much, get those spare parts, so you become less ready because you are using all your money to go off on peacekeeping operations.

He said we are going to see to it we do not use up our readiness money this year. What he did not tell you is this: What he did not tell you was he was not going to add that much money, because we are only adding $2 billion this year, and we have a $6 billion shortfall by the President's own estimate of what we would need, the estimate he made last year. So we are still $4 billion short.

What Secretary Perry did not tell you is he was going to cancel all these modern weapons and equipment programs to pay for this year's readiness. So what he has been doing, in the old axiom, is robbing Peter to pay Paul. So the problem is we are going to have less modern equipment for these young men and women when they need it.

Mr. KINGSTON. Now, we are also about to consider an emergency budget for the military of about $3.4 billion. Of that, one-half of it is going to come from cutting existing programs. But then the other half of it has already

been spent in Somalia, in Bosnia, in Rwanda, in Haiti, and actually going back to Iraq as well.

One of the things that concerns me as we do some of this globe trotting and getting back to the Rangers and the Marines and so forth is that when we were in Somalia there was not a clear American peril, there was not a clear objective and there was not a clear mission, there was not a clear timeframe to achieve the mission nor a plan to get our personnel out. And if you are a service person going over there, then it is going to have to be a little bit discouraging. Even as loyal as I know that they are, it is very discouraging to realize they are doing these missions, and there is not a statement, there is not an objective.

So I think in terms of the dollar, it is one thing. But the morale is another.

Mr. HUNTER. The gentleman is absolutely right. You know, when young men and women join our service, they do it under an understanding there is some risk involved, and they do it with an understanding their mission will be to engage in conflicts on this Nation's behalf, and win those conflicts. And I think a lot of them do not want to sign up to be peacekeepers, to spend their time away from their families nursemaiding folks in other countries.

While Americans do not mind sacrifice, and I think that is the key, and I remember Desert Storm and I am sure the gentleman has not only a lot of active duty people but reserve people who volunteered for Desert Storm because they thought it was worthwhile, I think a lot of those people have second thoughts when they are told that the mission is ''peacekeeping.'' In some cases that means ''nation building,'' trying to impose our structure of government on a country that is very resistive to that imposition.

I think that Americans, American troops, have experienced a cut in morale because of this new mission that they see this President giving them.

□ 2140

And I think what bothers them most is he is not giving them everything that they need to carry out this tempo of operations. They know that that is making them a little less ready to have to carry out those operations.

Mr. KINGSTON. Well, I wanted you to talk about the personnel and so forth in the Army and the Marines staying about level, but the Army going down tremendously.

As I understand it, and these numbers are rough, but there were about 2 million troops in the armed services in 1991. And now is that number not about 1.5 million? It has been cut roughly 25 percent in terms of personnel, which that may be appropriate since there is not a conflict going on like Desert Storm, but am I accurate in that?

Mr. HUNTER. Let me give the gentleman the numbers that come right from the Personnel Subcommittee chairman, the gentleman from California, ROBERT DORNAN, who issued this statement today of active duty end strength. It has gone from, the gentleman is right, from an excess of 2 million personnel to about 1,400,000. So it has been cut not quite in half but not too far away.

Now, let me just read what the gentleman from California [Mr. DORNAN] has said: ''End strength reductions for this year are slightly accelerated over what DOD projected in last year's budget submission. DOD will end fiscal year 1995 about 2,300 below the end strength authorized by the fiscal year 1995 DOD Authorization Act.''

That means that this glidepath that the President has us on that is going to end up going from 18 Army divisions to 10, from 24 air wings to 13, that we are on that glidepath, we are cutting sharply, but this year's reductions cut even more sharply, 2,300 personnel, more sharply than what we have projected last year. It says that the fiscal year 1996 DOD request projects an end strength loss of 40,790 from fiscal year authorized levels, so that is how fast we are going down. We are going to have 40,000 less people this year than we had last year.

That means that we are losing people at a very high rate, at about 1,700 young people a week are being cashiered out of the uniformed service.

Mr. KINGSTON. In terms of dollars, we had a budget in 1991 of just shy of $300 billion. And now this projection, and I do not know if you or the gentleman from California, Mr. DORNAN, had a number, but is it 260?

Mr. HUNTER. It is this year, I would say to my friend, we are going to spend about $257 billion. The President's people made a great thing about the fact that he was adding $2 billion to his glidepath. So it was 255. It is going to 257. And the gentleman is right. That is down almost $40 billion from what it was in 1991.

But let me put it another way: If you look at what we spent in 1988, the last year of the Reagan administration, and really we had the highest spending level in 1985, but if you look at what we spent in 1988, in real dollars, that means not adding inflation or adding inflation each year, in real dollars, and you compare that to what we will spend in 1998, that is 2 years from now on this glidepath that President Clinton has taken us on, the annual budget in 1998 will be $100 billion less than it was 10 years ago. That is the annual budget.

So when President Clinton stands up and talks about how he is taking a knife to all these programs across the board, you have to understand that actually almost all of his cuts, real cuts are coming out of national defense.

Mr. KINGSTON. It is ironic because you hear so often about cutting the budget and you hear about the Pentagon waste. You hear all about agriculture waste. And yet the two agencies that have had the biggest budget cuts of all are the Department of Defense and the U.S. Department of Agriculture. And if we can get HUD and Health and Human Services and Education and some of these other agencies to take the cuts just in percentage that defense has taken, we would be very close to having a small deficit compared to the $200 billion deficit which the President's budget projects for this year.

Mr. HUNTER. The gentleman from Georgia is absolutely right. We have, as I recall in this city, in Washington, DC, we have what I guess military would call headquarters personnel, because all of the agencies do not carry out functions in this city but they have their headquarters people here who issue orders and demand reports that come in from all over the Nation. So we have all these agencies like Agriculture and all the rest of them, HUD and many others, headquartered here in Washington. So I guess our line troops would refer to these as headquartersstaff, and we have over 450,000 headquarters personnel in the social agencies right here in Washington, DC.

Mr. KINGSTON. It is interesting, everybody does like to jump on the Pentagon, wasteful spending and talk about the $400 toilet seat and $200 hammer and so forth. We want to know about these things. We want to ferret it out. We think that is what the mission is about, defense of the country, survival of the country, and protecting your son or your daughter who may need to have the most high-technology airplane or tank or ship or whatever.

Here is something that we spent, as taxpayers, your taxpayers in California and mine in Georgia, $30,000 on this poem. I am going to read this to you.

Suddenly, masked hombres seized Petunia pig and made her into a sort of dense Jello. Somehow the texture, out of nowhere, produces a species of Atavistic anomie, a melancholy memory of good food.

It was written by Jack Collom of Boulder, CO. The National Endowment for the Arts awarded $30,000 for that poem.

And yet we are telling our American service personnel that they cannot get a raise. We are rolling the COLA's of veterans so that they cannot get what we contractually obligated to them.

I have met in Hinesville, GA, service personnel who can qualify for food stamps and other public assistance benefits. Some of them are taking them, some are not. But it is very hard to tell somebody who is on his way to Haiti, Somalia, Bosnia, wherever, we have got $30,000 for poems like this and your tax dollars are paying for it. I think one of the things that we are about in this Congress right now is to go back and try to find things like this so that we can spend our dollars smarter, cut where we need to. But where we are going to spend, let us spend it appropriately.

Mr. HUNTER. I thing the description of the expenditures that were made by the National Endowment for the Arts

are one thing that would lower the morale of our service people if they knew that that was keeping them from having a higher quality of life. Let me just say, this Secretary, Secretary Perry, gave a very even and I thought a very smooth press conference. I like Secretary Perry. I think he is a fine gentleman.

He gave, he has given a series of briefings about the defense budget and said we are ready, our readiness levels are good and I am good to spend, he said, and I am quoting him, ''I am going to spend enough money to provide for quality of life for our armed services families.''

What the Secretary did not say was that he is providing this new quality of life because Republicans have rolled the administration in past years. Last year, when President Clinton did not provide a pay increase for military families, the Republicans saw to it that he did. So this year the President is anticipating that and they are going to provide a pay increase for military personnel. But they are going to do that by taking out these very important modernization programs which could save the lives of those young people in battle. So they are serving them in one way, they are disserving them in another way.

But let me tell the gentleman that the cavalry is here. The Republican Contract With America, which was successfully passed out of the Committee on Armed Services with a good bipartisan vote, and I might compliment the Democrats on that committee who really have the interest of the country at heart, because we passed it with the vote of a lot of Democrats as well as Republicans, but that H.R. 7, the National Security Act, that legislation provides for something that is very critical to the United States.

It says that the United States shall deploy at earliest opportunity theater missile defense systems to stop those ballistic missiles from coming into our troop concentrations where they exist around the world. It also says that we shall deploy missile defense systems against ICBM's that may come in and strike portions of the United States.

☐ 2150

Now we are doing this because we have listened to all of our intelligence agencies, we listened to CIA director James Woolsey, who talked about the growing ICBM threat and missile threat. We live in an age of missiles.

One thing that was not lost on all these Third World countries, including countries like Korea and China, was that with all of our superior military capability in Desert Storm, the one place where Saddam Hussein was able to get the attention of the world and make an impression was when he used ballistic missiles against American troop concentrations.

So you have the North Koreans building the taepo-dong missiles, some of which, at the end of this century, will begin to acquire the capability to go several thousand miles and to hit American troop concentrations a long ways from Korea, and ultimately hit some of the United States positions in the Pacific, that will be able to threaten our allies.

We see North Korea doing that. We see engineers and scientists from the Soviet union being hired by Middle East countries to develop missile systems for them. We see China moving ahead with ballistic missile systems.

We have to develop the ability to stop those ballistic missiles. It makes sense— a lot of Democrats say ''We will stop them in the theater, but we do not want to have a national ballistic missile system.''

We passed out of the Committee on Armed Services, or now the Committee on National Security, H.R. 7, the Republican Contract with America, that said ''We shall deploy a national defense system.'' That means if a missile is launched intentionally or by mistake at the United States, we want the ability to shoot it down before it hits New York or San Diego or Houston or Detroit or any other part of the United States of America.

And we are going to be building that missile defense system, even though this President this year has cut national missile defense funding by 80 percent in this budget.

I yield to the gentleman from South Carolina.

Mr. KINGSTON. Mr. Speaker, I guess it is just true that as long as there are people like the gentleman, and some of the others you have mentioned tonight and in the past in your speeches, I think there will always be somebody inside and underneath the dome who is looking out for the American service personnel and the security of our Nation.

I appreciate the gentleman's leadership on this. I appreciate being with you tonight. I know you have some other comments, but I'm going to yield the floor and wish you the best and plan to support you in these endeavors, and work with you.

Mr. HUNTER. Mr. KINGSTON, I want to thank you as a good friend and a person who really has the interest of the United States at heart. Even though you are doing a lot of other important things and you are not a member of the Committee on Armed Services, we all thank you for your interest in national security, because that is one of the primary reasons for our existence, this House of Representatives, and you serve your people well by exhibiting that interest and supporting a strong national defense. Thank you for being with us.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman.

Mr. HUNTER. Let me talk for just another minute or two about the missile defense programs, because Secretary Perry went over that the other day and he has a word that he likes to use. It is called robust.

Robust is a pretty subjective term, and something that is robust to one person may not be robust to another, so I want to talk about the real funding levels that President Clinton put out on the table in today's budget, this year's new budget, with respect to missile defense. We all know missile defense is important, both theater missile defense, that is when you shoot down the slow-moving missiles before they come into your troop concentrations, like the Scud missiles coming into our barracks in the Middle East during the Desert Storm, and you also want national missile defense that will shoot down fast-moving missiles that are coming into your cities, whether by accident or by design.

Mr. Speaker, the President's request for missile defense in this year was $2.9 billion. That sounds like a lot, and that has been described by Secretary Perry as robust, and I guess compared to the rest of the President's defense slashes that may be robust, but this is the lowest amount requested since fiscal year 1985, which was the very first year that we started the SDI program, that is, the missile defense program.

Mr. Speaker, regarding national missile defense, the President asked for around $500 million. That is $371 million for the ballistic missile defense office and $120 million for the Brilliant Eyes program in the Air Force, about $500 million.

That amounts to about an 80 percent cut over what President Bush recommended in spending on missile defense, because President Bush recommended spending about $3 billion, so President Clinton has cut this program by four-fifths, even though his intelligence agencies tell him we live in an age of missiles.

You had better be able to shoot missiles down, not only coming into your theaters, but coming in by accidental or designed launch by Third World adversaries into your population centers. At some point these nations are going to have the capability of delivering ICBM's into the United States, and several adversaries besides the remnants of the former Soviet Union have some ICBS's right now. China, for example, has ICBM's right now. North Korea is working at a feverish pace to develop ICBM's.

Mr. Speaker, a lot of people say wait a minute, we don't have to have these theater defenses or these national defenses yet, because Korea doesn't yet have a missile that can reach the United States.

The point is, it takes us a while to build these defenses. You want to make sure that the missile system you are going to send up to shoot down the incoming ballistic missile is ready for deployment before the ballistic missile that is going to come into the United States is ready for deployment. The point is, it takes us about 10 years to build these systems, so it does not make sense to not get started.

President Bush wanted to get started on a national defense system, and he recommended spending this year $3 billion. President Clinton has cut that by four-fifths, by 80 percent. Those are real facts.

Mr. Speaker, regarding theater missile defense, this President requests approximately $2 billion. That represents a cut of $800 million from the spending level that was recommended by President Bush.

Again, he recommends only $30 million for what is known as the Navy Upper Tier Program. That is this very effective, high altitude program that can be used to defend Americans by using Navy ships with their standard missile tubes and with their existing radar. You turn that into an SDI system, and you shoot down incoming ballistic missiles. That is a very promising system.

When the President did his own bottom-up review, his experts, his reviewers, said ''We should move toward this Navy Upper Tier Program. It is an important program for acquisition.'' They called it at one point a core program, an important program, and he has killed it, because the $30 million that he has allowed for the Navy theater missile defense system is only about enough money to close up the shop. It is about enough money to close the doors, pay off the contractors who have existing contracts, and forget that system.

Why is the President abandoning the defense of our troop concentrations around the world? Because that is exactly what you are doing when you give up one of your most promising technologies.

Mr. Speaker, one other thing the President is doing that is very disturbing is this. Right now the ABM treaty does not limit the production of American theater missile defense systems. Yet, his negotiating team is now working with members of the former Soviet Union to limit the theater defense systems that we can set up around the world to protect our troops. That does not make a lot of sense.

I can simply say that, without naming names, that I have talked with a number of our military experts, people in the service and out of the service, who are very, very worried that this President, in his haste to make deals, is making a deal that we are going to regret because it is going to stop programs cold that could have defended Americans in time of war.

Therefore, the President should review this Navy Upper Tier Program which he himself, which his own analysts have said is a very, very important program.

Mr. Speaker, finally, when the President did this bottom-up review program, he went through all the requirements, or his experts went through all the requirements of things we would need for a strong defense establishment in the coming year.

One aspect of that review covered ammunition. Ammunition is kind of important. You need ammunition in time of war, and you need lots of it, because you have to sustain your troops. A three-month or a six-month or a nine-month war is a lot different from a two-week war, and you expend ammunition sometimes very quickly.

According to the Army's own study, the amount of money that this President is going to spend on ammunition is about 50 percent of what we need. According to the Army's own study, we are seeing the collapse of about 80 percent of our industrial base that makes ammunition.

Now, doggone it, you have to have ammunition in time of war. The fact that you have got smart, sharp, well-trained troops doesn't mean anything if their guns are empty.

□ 2200

And yet this budget that was presented today by Secretary Perry gives us about half the level of ammunition that the Army's open study says we will need in times of war. That is the President's open review, this so-called Bottom-Up Review board.

So in this very important area of sustainability, the President is deficient, and his Secretary of Defense, while he is an excellent manager and he has taken this little shrinking pot of money that the President has given him and he has tried to manage that reduced amount of money as effectively as he can, he is giving up American capability. You have to have capability to keep your troops, to have quality of life, to equip them well.

That means have modern equipment. We are not giving them modern equipment, because we are putting off modernization of Army and Air Force and naval systems. You have to be able to lift them. That means you have to be able to carry them into a theater in times of combat with either ships or aircraft and you have to be able to sustain them until they win the war for you, and that means they have to have lots of ammunition.

They have to have stand off missile systems like the ones that the President is canceling to keep your pilots from being at risk. You have to have fairly modern aircraft so that they do not break down on you when you need them the most; you do not have to retire them off the carriers leaving gaps in those carriers.

And this President, on the whole, is failing to provide that capability, and in doing so, he is doing a disservice to the American people who look to Congress to provide for the Army and the Navy and the Marine Corps to protect this Nation.

But he is also doing a disservice to the men and women who wear the uniform of the United States, because ultimately in a conflict, their ability to stay alive and come home, as the vast majority did in Desert Storm, is a function of our modernization, our sustainability, our readiness, our airlift, and our national will.

I would look to this Congress, and especially look to the Republican leadership in this Congress, to restore some of the cuts that this President has made in a prudent manner so that in 1995, 1996, 1997, 1998, 1999, and into the next century we remain by far the superior force on the face of the Earth.

RULES OF PROCEDURE OF THE COMMITTEE ON INTERNATIONAL RELATIONS FOR THE 104TH CONGRESS

(Mr. GILMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GILMAN. Mr. Speaker, pursuant to rule XI, clause 2(a) of the House rules, I am submitting a copy of our rules which were adopted by the Committee on International Relations on January 10, 1995, to be printed in the RECORD.

RULES OF THE COMMITTEE ON INTERNATIONAL RELATIONS, 104TH CONGRESS

(Adopted January 10, 1995)

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular, the committee rules enumerated in Clause 2 of Rule XI, are the rules of the Committee on International Relations, to the extent applicable. The Chairman of the Committee on International Relations (hereinafter referred to as the Chairman) shall consult the Ranking Minority Member to the extent possible with respect to the business of the Committee. Each subcommittee of the Committee on International Relations (hereinafter referred to as the ''Committee'') is a part of the Committee and is subject to the authority and direction of the Committee, and to its rules to the extent applicable.

2. DATE OF MEETING

The regular meeting date of the Committee shall be the first Tuesday of every month when the House of Representatives is in session pursuant to Clause 2(b) of Rule XI of the House of Representatives. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Members of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to Clause 2(c) of Rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered.

3. QUORUM

For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

One-third of the Members of the Committee shall constitute a quorum for taking any action, with the following exceptions: (1) Reporting a measure or recommendation, (2) closing Committee meetings and hearings to the public, and (3) authorizing the issuance of subpoenas.

No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

A rollcall vote may be demanded by one-fifth of the Members present or, in the apparent absence of a quorum, by any one Member.

4. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) MEETINGS

Each meeting for the transaction of business, including the markup of legislation, of the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public, because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise violate any law or rule of the House of Representatives. No person other than Members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This subsection does not apply to open Committee hearings which are provided for by subsection (b) of this rule.

(B) HEARINGS

(1) Each hearing conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony—

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate paragraph (2) of this subsection; or

(B) may vote to close the hearing, as provided in paragraph (2) of this subsection.

(2) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person—

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (1) of this subsection, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and the Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee unless the House of Representatives has by majority vote authorized the Committee or subcommittee, for purposes of a particular series of hearings, on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public.

(4) The Committee or a subcommittee may by the procedure designated in this subsection vote to close 1 subsequent day of hearing.

(c) No congressional staff shall be present at any meeting or hearing of the Committee or a subcommittee that has been closed to the public, and at which classified information will be involved, unless such person is authorized access to such classified information in accordance with Rule 20.

5. ANNOUNCEMENT OF HEARINGS AND MARKUPS

Public announcement shall be made of the date, place, and subject matter of any hearing or markup to be conducted by the Committee or a subcommittee at least 1 week before the commencement of that hearing or markup unless the Committee or subcommittee determines that there is good cause to begin that meeting at an earlier date. Such determination may be made with respect to any hearing or markup by the Chairman or subcommittee chairman, as appropriate.

Public announcement of all hearings and markups shall be made at the earliest possible date and shall be published in the Daily Digest portion of the Congressional Record, and promptly entered into the committee scheduling service of the House Information Systems.

Members shall be notified by the Chief of Staff, whenever it is practicable, 1 week in advance of all meetings (including markups and hearings) and briefings of subcommittees and of the full Committee.

The agenda for each Committee and subcommittee meeting, setting out all items of business to be considered, including a copy of any bill or other document scheduled for markup, shall be furnished to each Committee or subcommittee Member by delivery to the Member's office at least 2 full calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting, whenever possible.

6. WITNESSES

A. INTERROGATION OF WITNESSES

Insofar as practicable, witnesses shall be permitted to present their oral statements without interruption subject to reasonable time constraints imposed by the Chairman, with questioning by the Committee Members taking place afterward. Members should refrain from questions until such statements are completed. In recognizing Members, the Chairman shall, to the extent practicable, give preference to the Members on the basis of their arrival at the hearing, taking into consideration the majority and minority ratio of the Members actually present. A Member desiring to speak or ask a question shall address the Chairman and not the witness in order to ensure orderly procedure.

Each Member may interrogate the witness for 5 minutes, the reply of the witness being included in the 5-minute period. After all Members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

B. STATEMENTS OF WITNESSES

To the extent practicable, each witness shall file with the Committee, 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a brief summary of his or her views.

7. PREPARATION AND MAINTENANCE OF COMMITTEE RECORDS

An accurate stenographic record shall be made of all hearings and markup sessions. Members of the Committee and any witness may examine the transcript of his or her own remarks and may make any grammatical or technical changes that do not substantively alter the record. Any such Member or witness shall return the transcript to the Committee offices within 5 calendar days (not including Saturdays, Sundays, and legal holidays) after receipt of the transcript, or as soon thereafter as is practicable.

Any information supplied for the record at the request of a Member of the Committee shall be provided to the Member when received by the Committee.

Transcripts of hearings and markup sessions (except for the record of a meeting or hearing which is closed to the public) shall be printed as soon as is practicable after receipt of the corrected versions, except that the Chairman may order the transcript of a hearing to be printed without the corrections of a Member or witness if the Chairman determines that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

8. EXTRANEOUS MATERIAL IN COMMITTEE HEARINGS

No extraneous material shall be printed in either the body or appendixes of any Committee or subcommittee hearing, except matter which has been accepted for inclusion in the record during the hearing. Copies of bills and other legislation under consideration and responses to written questions submitted by Members shall not be considered extraneous material.

Extraneous material in either the body or appendixes of any hearing to be printed which would be in excess of eight printed pages (for any one submission) shall be accompanied by a written request to the Chairman, such written request to contain an estimate in writing from the Public Printer of the probable cost of publishing such material.

9. PUBLIC AVAILABILITY OF COMMITTEE VOTES

The result of each rollcall vote in any meeting of the Committee shall be made available for inspection by the public at reasonable times at the Committee offices. Such result shall include a description of the amendment, motion, order, or other proposition, the name of each Member voting for and against, and the Members present but not voting.

10. PROXIES

Proxy voting is not permitted in the Committee or in subcommittees.

11. REPORTS

A. REPORTS ON BILLS AND RESOLUTIONS

To the extent practicable, not later than 24 hours before a report is to be filed with the Clerk of the House on a measure that has been ordered reported by the Committee, the Chairman shall make available for inspection by all Members of the Committee a copy of the draft committee report in order to afford Members adequate information and the opportunity to draft and file any supplemental, minority or additional views which they may deem appropriate.

With respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the

names of those members voting for and against, shall be included in any Committee report on the measure or matter.

B. PRIOR APPROVAL OF CERTAIN REPORTS

No Committee, subcommittee, or staff report, study, or other document which purports to express publicly the views, findings, conclusions, or recommendations of the Committee or the subcommittee may be released to the public or filed with the Clerk of the House unless approved by a majority of the Members of the Committee or subcommittee, as appropriate. In any case in which Clause 2(l)(5) of Rule XI of the House of Representatives does not apply, each Member of the Committee or subcommittee shall be given an opportunity to have views or a disclaimer included as part of the material filed or released, as the case may be.

C. FOREIGN TRAVEL REPORTS

At the same time that the report required by clause 2(n)(1)(B) of Rule XI of the House of Representatives, regarding foreign travel reports, is submitted to the Chairman, Members and employees of the committee shall provide a report to the Chairman listing all official meetings, interviews, inspection tours and other official functions in which the individual participated, by country and date. Under extraordinary circumstances, the Chairman may waive the listing in such report of an official meeting, interview, inspection tour, or other official function. The report shall be maintained in the full committee offices and shall be available for public inspection during normal business hours.

12. REPORTING BILLS AND RESOLUTIONS

Except in unusual circumstances, bills and resolutions will not be considered by the Committee unless and until the appropriate subcommittee has recommended the bill or resolution for Committee action, and will not be taken to the House of Representatives for action unless and until the Committee has ordered reported such bill or resolution, a quorum being present. Unusual circumstances will be determined by the Chairman, after consultation with the Ranking Minority Member and such other Members of the Committee as the Chairman deems appropriate.

13. STAFF SERVICES

The Committee staff shall be selected and organized so that it can provide a comprehensive range of professional services in the field of foreign affairs to the Committee, the subcommittees, and all its Members.

The staff shall include persons with training and experience in international relations, making available to the Committee individuals with knowledge of major countries, areas, and U.S. overseas programs and operations.

(a) The staff of the Committee, except as provided in paragraph (b), shall be appointed, and may be removed, by the Chairman with the approval of the majority of the Members of the Committee. Their remuneration shall be fixed by the Chairman and they shall work under the general supervision and direction of the Chairman. Staff assignments are to be authorized by the Chairman or by the Chief of Staff under the direction of the Chairman.

(b) Subject to clause 6(a)(2) and clause 6(c) of Rule XI of the House of Representatives, the staff assigned to the minority shall be appointed, their remuneration determined, and may be removed, by the Ranking Minority Member with the approval of the majority of the minority party Members of the Committee. No minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall work under the general supervision and direction of the Ranking Minority Member with the approval or consultation of the minority Members of the Committee.

(c) The Chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee. The Chairman shall ensure that the minority party is fairly treated in the appointment of such staff.

14. NUMBER AND JURISDICTION OF SUBCOMMITTEES

A. FULL COMMITTEE

The full Committee will be responsible for the markup and reporting of general legislation relating to foreign assistance (including development assistance, security assistance, and Public Law 480 programs abroad) or relating to the Peace Corps; national security developments affecting foreign policy; strategic planning and agreements; war powers, executive agreements, and the deployment and use of United States Armed Forces; peacekeeping, peace enforcement, and enforcement of United Nations or other international sanctions; arms control, disarmament and other proliferation issues; the Agency for International Development; oversight of State and Defense Department activities involving arms transfers and sales, and arms export licenses; international law; promotion of democracy; international law enforcement issues, including terrorism and narcotics control programs and activities; and all other matters not specifically assigned to a subcommittee.

B. SUBCOMMITTEES

There shall be five standing subcommittees. The names and jurisdiction of those subcommittees shall be as follows:

1. Functional Subcommittees

There shall be two subcommittees with functional jurisdiction:

Subcommittee on International Economic Policy and Trade.—To deal with measures relating to international economic and trade policy; measures to foster commercial intercourse with foreign countries; export administration; international investment policy; trade and economic aspects of nuclear technology and materials, of nonproliferation policy, and of international communication and information policy; licenses and licensing policy for the export of dual use equipment and technology; legislation pertaining to and oversight of the Overseas Private Investment Corporation; scientific developments affecting foreign policy; commodity agreements; international environmental policy and oversight of international fishing agreements; and special oversight of international financial and monetary institutions, the Export-Import Bank, and customs.

Subcommittee on International Operations and Human Rights.—To deal with Department of State, United States Information Agency, and related agency operations and legislation; the diplomatic service; international education and cultural affairs; foreign buildings; programs, activities and the operating budget of the Arms Control and Disarmament Agency; oversight of, and legislation pertaining to, the United Nations, its affiliated agencies, and other international organizations, including assessed and voluntary contributions to such agencies and organizations; parliamentary conferences and exchanges; protection of American citizens abroad; international broadcasting; international communication and information policy; the American Red Cross; implementation of the Universal Declaration of Human Rights and other matters relating to internationally recognized human rights generally; and oversight of international population planning and child survival activities.

2. Regional Subcommittees

There shall be three subcommittees with regional jurisdiction: the Subcommittee on the Western Hemisphere; the Subcommittee on Africa; and the Subcommittee on Asia and the Pacific; with responsibility for Europe and the Middle East reserved to the full Committee.

The regional subcommittees shall have jurisdiction over the following within their respective regions:

(1) Matters affecting the political relations between the United States and other countries and regions, including resolutions or other legislative measures directed to such relations.

(2) Legislation with respect to disaster assistance outside the Foreign Assistance Act, boundary issues, and international claims.

(3) Legislation with respect to region- or country-specific loans or other financial relations outside the Foreign Assistance Act.

(4) Resolutions of disapproval under section 36(b) of the Arms Export Control Act, with respect to foreign military sales.

(5) Oversight of regional lending institutions.

(6) Oversight of matters related to the regional activities of the United Nations, of its affiliated agencies, and of other multilateral institutions.

(7) Identification and development of options for meeting future problems and issues relating to U.S. interests in the region.

(8) Base rights and other facilities access agreements and regional security pacts.

(9) Oversight of matters relating to parliamentary conferences and exchanges involving the region.

(10) Concurrent oversight jurisdiction with respect to matters assigned to the functional subcommittees insofar as they may affect the region.

(11) Oversight of all foreign assistance activities affecting the region, and such other matters as the Chairman of the full Committee may determine.

15. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the Chairman, other subcommittee chairmen, and other appropriate Members, with a view towards minimizing scheduling conflicts. It shall be the practice of the Committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full Committee.

In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the Chairman through the Chief of Staff of the Committee.

The Chairman and the Ranking Minority Member may attend the meetings and participate in the activities of all subcommittees, except for voting and being counted for a quorum. The Chairman and Ranking Minority Member may vote and shall be counted for a quorum on those subcommittees of which they are formal members.

16. REFERRAL OF BILLS BY CHAIRMAN

In accordance with Rule 14 of the Committee and to the extent practicable, all legislation and other matters referred to the Committee shall be referred by the Chairman to a subcommittee of primary jurisdiction within 2 weeks, unless by majority vote of the majority party Members of the full Committee, consideration is to be otherwise effected. In accordance with Rule 14 of the Committee, legislation may also be concurrently referred to additional subcommittees

for consideration in sequence. Unless otherwise directed by the Chairman, such subcommittees shall act on or be discharged from consideration of legislation that has been approved by the subcommittee of primary jurisdiction within 2 weeks of such action.

The Chairman may designate a subcommittee chairman or other Member to take responsibility as manager of a bill during its consideration in the House of Representatives.

17. PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

The majority party caucus of the Committee shall determine an appropriate ratio of majority to minority party Members for each subcommittee. Party representation on each subcommittee or conference committee shall be no less favorable to the majority party than the ratio for the full Committee. The Chairman and the Ranking Minority Member are authorized to negotiate matters affecting such ratios including the size of subcommittees and conference committees.

18. SUBCOMMITTEE FUNDING AND RECORDS

(a) Each subcommittee shall have adequate funds to discharge its responsibility for legislation and oversight.

(b) In order to facilitate Committee compliance with Clause 2(e)(1) of Rule XI of the House of Representatives, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be promptly made available to the full Committee for inspection by the public in accordance with Rule 9 of the Committee.

All subcommittee hearings, records, data, charts, and files shall be kept distinct from the congressional office records of the Member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full Committee, shall be the property of the House, and all Members of the House shall have access thereto.

19. MEETINGS OF SUBCOMMITTEE CHAIRMEN

The Chairman shall call a meeting of the subcommittee chairmen on a regular basis not less frequently than once a month. Such a meeting need not be held if there is no business to conduct. It shall be the practice at such meetings to review the current agenda and activities of each of the subcommittees.

20. ACCESS TO CLASSIFIED INFORMATION

Authorized persons.—In accordance with the stipulations of the Rules of the House of Representatives, all Members of the House who have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives shall be authorized to have access to classified information within the possession of the Committee.

Members of the Committee staff shall be considered authorized to have access to classified information within the possession of the Committee when they have the proper security clearances, when they have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives, and when they have a demonstrable need to know. The decision on whether a given staff member has a need to know will be made on the following basis:

(a) In the case of the full Committee majority staff, by the Chairman, acting through the Chief of Staff;

(b) In the case of the full Committee minority staff, by the Ranking Minority Member of the Committee, acting through the Minority Chief of Staff;

(c) In the case of subcommittee majority staff, by the Chairman of the subcommittee;

(d) In the case of the subcommittee minority staff, by the Ranking Minority Member of the subcommittee.

No other individuals shall be considered authorized persons, unless so designated by the Chairman.

Designated persons.—Each Committee Member is permitted to designate one member of his or her staff as having the right of access to information classified confidential. Such designated persons must have the proper security clearance, have executed the oath required by Clause 13 of Rule XLIII of the House of Representatives, and have a need to know as determined by his or her principal. Upon request of a Committee Member in specific instances, a designated person also shall be permitted access to information classified secret which has been furnished to the Committee pursuant to section 36(b) of the Arms Export Control Act, as amended. Designation of a staff person shall be by letter from the Committee Member to the Chairman.

Location.—Classified information will be kept in secure safes in the Committee rooms. All materials classified top secret must be kept in secured safes located in the main Committee offices. Top secret materials may not be taken from that location for any purpose.

Materials classified confidential or secret may be taken from Committee offices to other Committee offices and hearing rooms by Members of the Committee and authorized Committee staff in connection with hearings and briefings of the Committee or its subunits for which such information is deemed to be essential. Removal of such information from the Committee offices shall be only with the permission of the Chairman, under procedures designed to ensure the safe handling and storage of such information at all times.

Notice.—Appropriate notice of the receipt of classified documents received by the Committee from the executive branch will be sent promptly to Committee Members. The notice will contain information on the level of classification.

Access.—Except as provided for above, access to classified materials held by the Committee will be in the main Committee offices in a designated reading room. The following procedures will be observed:

(a) Authorized or designated persons will be admitted to the reading room after inquiring of the Chief of Staff or an assigned staff member. The reading room will be open during regular Committee hours.

(b) Authorized or designated persons will be required to identify themselves, to identify the documents or information they wish to view, and to sign the Classified Materials Log, which is kept with the classified information.

(c) No photocopying or other exact reproduction, oral recording, or reading by telephone, of such classified information is permitted.

(d) The assigned staff member will be responsible for maintaining a log which identifies (1) authorized and designated persons seeking access, (2) the classified information requested, and (3) the time of arrival and departure of such persons. The assigned staff member will also assure that the classified materials are returned to the proper location.

(e) The Classified Materials log will contain a statement acknowledged by the signature of the authorized or designated person that he or she has read the Committee rules and will abide by them.

Divulgence.—Any classified information to which access has been gained through the Committee may not be divulged to any unauthorized person in any way, shape, form, or manner. Apparent violations of this rule should be reported as promptly as possible to the Chairman for appropriate action.

Technical security countermeasures.—Committee rooms and equipment shall be maintained in accordance with such technical security standards as the Chairman deems necessary to safeguard classified information from unauthorized disclosure. Such standards may include requirements for technical security monitoring during closed sessions involving classified information, conducted under the direction and control of the Chairman by personnel responsible to the Sergeant at Arms of the House of Representatives.

Other regulations.—The Chairman may establish such additional regulations and procedures as in his judgment may be necessary to safeguard classified information under the control of the Committee. Members of the Committee will be given notice of any such regulations and procedures promptly. They may be modified or waived in any or all particulars by a majority vote of the full Committee. Furthermore, any additional regulations and procedures should be incorporated into the written rules of the Committee at the earliest opportunity.

21. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

All Committee and subcommittee meetings or hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage in accordance with the provisions of clause 3 of House rule XI.

The Chairman or subcommittee chairman shall determine, in his or her discretion, the number of television and still cameras permitted in a hearing or meeting room, but shall not limit the number of television or still cameras to fewer than two representatives from each medium.

Such coverage shall be in accordance with the following requirements contained in Section 116(b) of the Legislative Reorganization Act of 1970, and Clause 3(f) of Rule XI of the Rules of the House of Representatives:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpoena by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) The allocation among cameras permitted by the Chairman or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or its subcommittees or the visibility of that witness and that Member to each other.

(e) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the Committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the current state of the art of television coverage.

(h) In the allocation of the number of still photographers permitted by the Chairman or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos, United Press International Newspictures, and Reuters. If requests are made by more of the media than will be permitted by the Chairman or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

22. SUBPOENA POWERS

A subpoena may be authorized and issued by the Committee or its subcommittees, in accordance with Clause 2(m) of Rule XI of the House of the Representatives, in the conduct of any investigation or series of investigations, when authorized by a majority of the Members voting, a majority of the Committee or subcommittee being present. Pursuant to House Rules and under such limitations as the Committee may prescribe, the Chairman may be delegated the power to authorize and issue subpoenas in the conduct of any investigation or series of investigations. During any period in which the House has adjourned for a period of longer than three days, the Chairman may authorize and issue subpoenas under Clause 2(m) of Rule XI of the House of Representatives only after polling the Members of the Committee and obtaining the approval of a majority of such Members. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

23. RECOMMENDATION FOR APPOINTMENT OF CONFEREES

Whenever the Speaker is to appoint a conference committee, the Chairman shall recommend to the Speaker as conferees those Members of the Committee who are primarily responsible for the legislation (including to the full extent practicable the principal proponents of the major provisions of the bill as it passed the House), who have actively participated in the Committee or subcommittee consideration of the legislation, and who agree to attend the meetings of the conference. With regard to the appointment of minority Members, the Chairman shall consult with the Ranking Minority Member.

24. GENERAL OVERSIGHT

Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

25. OTHER PROCEDURES AND REGULATIONS

The Chairman may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Any additional procedures or regulations may be modified or rescinded in any or all particulars by a majority vote of the full Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON NATIONAL SECURITY FOR THE 104TH CONGRESS

(Mr. SPENCE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SPENCE. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the CONGRESSIONAL RECORD the rules of the Committee on National Security that were adopted by the committee on Tuesday, January 10, 1995.

RULES OF THE COMMITTEE ON NATIONAL SECURITY

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on National Security (hereafter referred to in these rules as the ''Committee'') and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Tuesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereafter referred to in these rules as the ''Chairman''), or by written request of members of the Committee pursuant to clause 2(b) of rule XI of the Rules of the House of Representatives.

(b) A Tuesday meeting of the committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meeting date after consultation with the Chairman and the other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearing wherever possible.

RULE 4. SUBCOMMITTEES

The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposal; housing and support; base closure; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness: the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military Research and Development: the annual authorization for military research and development and related legislative oversight.

RULE 5 COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee drawn from members of more than one subcommittee to inquire into and take testimony of a matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of the Committee or subcommittee.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Committee and subcommittees shall make public announcement of the date, place, and subject matter of the committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 3 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of that hearing or meeting on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to close, the vote must be by rollcall vote and in open session, there being a majority of the Committee or subcommittee present.

(b) Whenever it is asserted that the evidence or testimony at a hearing or meeting may tend to defame, degrade, or incriminate any person, and notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in closed session, if by a majority vote of those present, there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the Committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony: Provided, That such staff member's attendance at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at the time: Provided further, That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and Provided further, That the attainment of any security clearances involved is the responsibility of individual members.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: Provided, however, That the Committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

(b) One-third of the Members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum: (1) Reporting a measure or recommendation; (2) Closing committee or subcommittee meetings and hearings to the public; and (3) Authorizing the issuance of subpoenas.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed 5 minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution.

(b) Members present at a meeting of the Committee or subcommittee when a meeting is originally convened will be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 12. SUBPOENA AUTHORITY

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of a quorum of the Committee or subcommittee, as appropriate.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when they have been recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be

before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee which are decided to be officially published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) A rollcall of the members may be had upon the request of one-fifth of a quorum present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

(d) In the event of a vote or votes, when a number is in attendance at any other Committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so recorded in the rollcall record, upon timely notification to the Chairman by that member.

RULE 18. PRIVATE BILLS

No private bill may be reported by the Committee if there are two or more dissenting votes. Private bills so rejected by the Committee may not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

RULE 19. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each rollcall vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 20. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 21. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each rollcall in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 22. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) All national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 23. COMMITTEE STAFFING

The staffing of the Committee and the standing subcommittees shall be subject to the rules of the House of Representatives.

RULE 24. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 25. INVESTIGATIVE HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 104TH CONGRESS

(Mr. STUMP asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STUMP. Mr. Speaker, pursuant to clause 2 of rule XI of the Rules of the House of Representatives, I submit the rules of procedure of the Committee on Veterans' Affairs for printing in the RECORD.

COMMITTEE RULES OF PROCEDURE OF THE 104TH CONGRESS

(Adopted January 11, 1995)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

Regular and additional meetings

(a)(1) The regular meeting day for the committee shall be at 10 a.m. on the second Tuesday of each month in such place as the chairman may designate. However, the chairman may dispense with a regular Tuesday meeting of the committee.

(2) The chairman of the committee may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

Public announcement

(b)(1) The chairman, in the case of a hearing to be conducted by the committee, and the subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Clerk of the Congressional Record and the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(2) Meetings and hearings of the committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

Quorum and rollcalls

(c)(1) A majority of the members of the committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the committee and each of its subcommittees, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the office of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any rollcall vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the committee on the bill or resolution.

(5) No vote by any member of the committee or a subcommittee with respect to any measure or matter may be cast by proxy.

Calling and interrogating witnesses

(d)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous

consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement.

(3) When a hearing is conducted by the committee or a subcommittee on any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman, of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

Media coverage of proceedings

(e) Any meeting of the committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 3 of House rule XI.

Subpoenas

(f) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMITTEES

Establishment and Jurisdiction of Subcommittees

(a)(1) There shall be three subcommittees of the committee as follows:

(A) Subcommittee on Hospitals and Health Care, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Compensation, Pension, Insurance and Memorial Affairs, which shall have legislative, oversight and investigative jurisdiction over compensation, pensions of all the wars of the United States, general and special, life insurance issued by the Government on account of service in the Armed Forces, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(C) Subcommittee on Education, Training, Employment and Housing, which shall have legislative, oversight and investigative jurisdiction over education of veterans, vocational rehabilitation, veterans' housing programs, and readjustment of servicemen to civilian life.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

Referral to Subcommittees

(b)(1) The chairman of the committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the committee, jointly or exclusively as the chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the chairman of the committee may specify a date by which the subcommittee shall report thereon to the committee.

Powers and Duties

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(3) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(4) A member of the committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(d) Each subcommittee of the committee shall provide the committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the chairman of the committee deems necessary for the committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular meeting and hearing of the committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The committee shall keep a record of all actions of the committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the committee.

(3) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule XXXVI. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on written request of any member of the committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEPHARDT (at his own request), after 5 p.m. today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ORTON) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. ORTON, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Ms. PELOSI, for 5 minutes, today.

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Mr. KOLBE for 5 minutes each day, today and on February 8 and 9.
Mr. MARTINI, for 5 minutes on February 8.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. HORN, for 5 minutes, on February 8.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ORTON) and to include extraneous matter:)

Mr. STARK.
Mr. SISISKY.
Mr. HAYES.
Mr. STOKES.
Mr. HINCHEY.
Mr. COLEMAN.
Mr. CLAY.
Ms. WOOLSEY in two instances.
Mr. WARD.
Mr. FAZIO of California.
Mr. DINGELL.
Mr. CARDIN.
Mr. TORRICELLI.
Mr. ROEMER.
Mr. BORSKI.
Mrs. LINCOLN.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. SMITH of New Jersey.
Mr. CUNNINGHAM.
Mr. DAVIS in two instances.
Mr. CRANE.
Mr. FAWELL.
Mr. LINDER.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; according (at 10 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 8, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

309. A letter from the Federal Housing Finance Board, transmitting the Board's Annual Enforcement Report covering the period of January 1, 1994, through December 31, 1994, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

310. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report entitled ''Performance Profiles of Major Energy Producers 1993,'' pursuant to 42 U.S.C. 7267; to the Committee on Commerce.

311. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's annual report for fiscal year 1993, pursuant to 15 U.S.C. 2076(j); to the Committee on Commerce.

312. A communication from the President of the United States, transmitting the annual report on science, technology and American diplomacy for fiscal year 1994, pursuant to 22 U.S.C. 2656c(b); to the Committee on International Relations.

313. A letter from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1994, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

314. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–381, ''bilingual and Multicultural Government Personnel Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–392, ''District of Columbia Nonviolent Offenses Mandatory-Minimum Sentences Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

318. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–393, ''Recreation Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

319. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–394, ''Health Occupation Revision Act of 1985 Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

320. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–395, ''Closing of a Public Alley in Square 253, S.O. 88–107, Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

321. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–396, ''Uniform Commercial Code—Negotiable Instruments Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

322. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–397, ''D.C. Resident Tax Credit Temporary Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

323. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–398, ''Solid Waste Facility Permit Temporary Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

324. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–399, ''Commercial Piracy Protection Temporary Amendment Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

325. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–401, ''Multiyear Budget Spending and Support Temporary Act of 1994,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–402, ''Term Limits Initiative of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

327. A letter from the Potomac Electric Power Co., transmitting a copy of the balance sheet of Potomac Electric Power Co. as of December 31, 1994, pursuant to D.C. Code, section 43–513; to the Committee on Government Reform and Oversight.

328. A letter from the Director, Congressional Budget Office, transmitting a report on unauthorized appropriations and expiring authorizations by CBO as of January 15, 1995, pursuant to 2 U.S.C. 602(f)(3); to the Committee on Government Reform and Oversight.

329. A letter from the Acting Administrator, General Services Administration, transmitting notification of the determination that it is in the public interest to use other than competitive procedures to award a contract to the city of Manassas to establish a pilot telecommuting center in Manassas, VA, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

330. A letter from the Inspector General, General Services Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

331. A letter from the Chief Administrator, Postal Rate Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

332. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

333. A letter from the Secretary of Labor, transmitting notification of the Department's intent to award a sole-source contract to the Management and Training Corp. for the operation of the Cleveland Job Corps Center in Cleveland, OH; to the Committee on Government Reform and Oversight.

334. A letter from the Director of Operations and Finance, The American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

335. A letter from the Special Assistant to the President for Management and Administration and Director of the Office of Administration, the White House, transmitting the

Integrity Act reports for each of the Executive Office of the President agencies, as required by the Federal Manager's Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

336. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

337. A letter from the Inspector General, Federal Emergency Management Agency, transmitting a copy of the Agency's administration of the permanent and temporary relocation components of the Superfund Program during fiscal year 1993, pursuant to 31 U.S.C. 7501 note; jointly, to the Committees on Commerce and Transportation and Infrastructure.

338. A letter from the Secretary of the Army, transmitting a report on the Washington Aqueduct, pursuant to Public Law 103–334, section 142(c); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHUSTER (for himself, Mr. MINETA, Mr. PETRI, Mr. RAHALL, Mr. DUNCAN, Mr. OBERSTAR, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 842. A bill to provide off-budget treatment for the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Budget, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself and Mr. SHAW):

H.R. 843. A bill to amend the Internal Revenue Code of 1986 to restore the exception to the market discount rules for tax-exempt obligations; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 844. A bill to amend the Internal Revenue Code of 1986 to permit farmers to rollover into an individual retirement account the proceeds from the sale of a farm; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 845. A bill rescinding certain budget authority, and for other purposes; to the Committee on Appropriations.

By Mr. CREMEANS:

H.R. 846. A bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Resources.

By Mr. DAVIS (for himself, Mr. WELDON of Florida, Mr. FOLEY, Mr. PORTMAN, Mr. TORKILDSEN, Mr. FORBES, Mr. HAYES, Mr. TAYLOR of Mississippi, Mr. BLUTE, Mr. CHAMBLISS, Ms. PRYCE, Mr. HUNTER, Mr. WHITE, Mr. GUTKNECHT, Mr. WICKER, Mr. HORN, Mr. TIAHRT, Mr. CANADY, Mr. BROWNBACK, Mr. BASS, and Mr. WHITFIELD):

H.R. 847. A bill to reduce the official mail allowance of Members of the House; to the Committee on House Oversight.

By Mr. DEAL of Georgia:

H.R. 848. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Resources.

By Mr. FAWELL (for himself, Mr. OWENS, Mr. GOODLING, Mr. CLAY, Mr. BALLENGER, Mr. PETRI, Mrs. ROUKEMA, Mr. HOEKSTRA, Mr. SAWYER, Mr. MARTINEZ, Mr. KILDEE, Mr. TALENT, Mrs. MEYERS of Kansas, Mr. KNOLLENBERG, Mr. PAYNE of New Jersey, Mr. WELDON of Florida, Mr. GRAHAM, Mr. GENE GREEN of Texas, Mr. MCDERMOTT, Mr. ENGEL, Ms. SLAUGHTER, Mr. ANDREWS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 849. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mrs. FOWLER:

H.R. 850. A bill to ratify the States' right to limit congressional terms; to the Committee on the Judiciary.

By Mrs. LINCOLN (for herself, Mr. RICHARDSON, and Mr. DICKEY):

H.R. 851. A bill to direct the Secretary of Health and Human Services to establish pilot projects to investigate the effectiveness of the use of rural health care provider telemedicine networks to provide coverage of physician consultative services under part B of the Medicare Program to individuals residing in rural areas; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. DELLUMS, Mr. ZIMMER, Mr. BROWN of California, Mr. BRYANT of Texas, Ms. ESHOO, Mr. SANDERS, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. WAXMAN, Mr. FARR, Ms. VELÁZQUEZ, Mr. BROWN of Ohio, Mr. EVANS, Mr. TORRES, Mr. GUTIERREZ, Mr. NADLER, Mr. LANTOS, Mr. CARDIN, Ms. NORTON, and Mr. FILNER):

H.R. 852. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mrs. MEEK of Florida:

H.R. 853. A bill to provide for adjustment of immigration status for certain Haitian children; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 854. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide that municipalities and other persons shall not be liable under that act for the generation or transportation of municipal solid waste; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 855. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to establish a maximum limit of liability for municipalities and other persons liable under that act for the generation or transportation of municipal solid waste; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER:

H.R. 856. A bill to require that unobligated funds in the official mail allowance of Members be used to reduce the Federal deficit; to the Committee on House Oversight.

By Mr. DIAZ-BALART:

H. Con. Res. 24. Concurrent resolution calling for the United States to propose and seek an international embargo against the totalitarian Government of Cuba; to the Committee on International Relations.

By Mr. ROEMER:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that the war in Chechnya is of concern to the United States and that President Clinton should not attend the United States-Russia summit in Moscow in May 1995 until the Chechen situation has been resolved; to the Committee on International Relations.

By Mr. CLINGER:

H. Res. 62. Resolution providing amounts for the expenses of the Committee on Government Reform and Oversight in the 104th Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. FIELDS of Texas.

H.R. 13: Mr. KIM.

H.R. 28: Mrs. SEASTRAND.

H.R. 34: Mr. FOX, Mr. BISHOP, Mr. GENE GREEN of Texas, Ms. DANNER, Mr. MINGE, Mr. ANDREWS, Mr. ISTOOK, Mr. SANDERS, and Mr. CRAMER.

H.R. 70: Mr. HORN, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. DELAY, Mr. BONO, Mr. KIM, and Mr. GENE GREEN of Texas.

H.R. 76: Ms. DELAURO.

H.R. 77: Mr. CALVERT.

H.R. 78: Mr. STEARNS.

H.R. 97: Mr. ACKERMAN.

H.R. 99: Mr. DELLUMS, Mr. LIPINSKI, Mr. FARR, Ms. MCCARTHY, Ms. VELÁZQUEZ, Mr. NEAL of Massachusetts, Mr. YATES, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. BURR, Mr. DIXON, Ms. LOFGREN, Mr. KLECZKA, Mr. ENGLISH of Pennsylvania, Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mrs. MEYERS of Kansas, and Mr. NADLER.

H.R. 210: Mr. PACKARD.

H.R. 216: Mr. CALVERT.

H.R. 217: Mr. MCCRERY.

H.R. 218: Mr. COLLINS of Georgia.

H.R. 219: Mrs. SEASTRAND.

H.R. 325: Mr. KLECZKA and Mr. STUMP.

H.R. 370: Mr. SHUSTER, Mr. ROTH, Mr. GOODLING, Mr. HOSTETTLER, and Mr. HEINEMAN.

H.R. 372: Mr. BILBRAY.

H.R. 373: Mrs. MEYERS of Kansas and Mr. NORWOOD.

H.R. 447: Mr. STEARNS, Mr. GENE GREEN of Texas, Mr. MCNULTY, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. BONIOR, Mr. HILLIARD, Mr. ORTIZ, Mr. BLUTE, Mr. KANJORSKI, Mr. HEFNER, Mr. HAYES, Mr. BRYANT of Texas, Mr. VENTO, and Mr. HOLDEN.

H.R. 450: Mr. BALLENGER, Mrs. FOWLER, Mr. GEKAS, Mr. HERGER, Mr. HORN, Mr. SAM JOHNSON, Mr. MCINNIS, Mr. WATTS of Oklahoma, Mr. BROWNBACK, and Mr. CALVERT.

H.R. 462: Mr. ROEMER and Mr. UPTON.

H.R. 485: Mr. CALVERT.
H.R. 553: Mr. TOWNS.
H.R. 558: Mr. ARCHER.
H.R. 580: Mr. EVERETT, Mr. LEWIS of California, Mr. HALL of Texas, and Mr. CALVERT.
H.R. 592: Mr. KIM, Mrs. SEASTRAND, Mr. BILBRAY, Mr. STUMP, Mr. CANADY, Mrs. CHENOWETH, and Mr. SHAYS.
H.R. 619: Mr. CONYERS, Ms. WOOLSEY, Mr. NADLER, and Mr. SERRANO,
H.R. 620: Mr. CONYERS, Ms. WOOLSEY, and Mr. NADLER.
H.R. 638: Mr. MILLER of Florida, Mr. MILLER of California, Mr. OWENS, Mr. VENTO, Ms. RIVERS, and Mr. WATT of North Carolina.
H.R. 696: Mr. GENE GREEN of Texas, Mr. ANDREWS, Mr. BILBRAY, Mr. FATTAH, Mr. WYNN, Mr. EMERSON, Mr. SANDERS, Mr. SHADEGG, and Ms. BROWN of Florida.
H.R. 698: Mr. BALLENGER, Mr. WICKER, and Mr. HAYWORTH.
H.R. 709: Mrs. MORELLA, Ms. PELOSI, Mr. SOLOMON, Mrs. CLAYTON, Mr. RANGEL, and Mr. FROST.
H.R. 728: Mr. WELLER.
H.R. 729: Mr. WELLER and Mr. ROYCE.
H.R. 731: Mr. HASTINGS of Florida and Mr. BAKER of California.
H.R. 739: Mr. STEARNS, Mr. CHRYSLER, and Mr. DUNCAN.
H.R. 795: Mr. NORWOOD, Mr. HUTCHINSON, and Mr. MILLER of Florida.
H.R. 800: Ms. DANNER, Mr. FUNDERBURK, and Mr. MCCRERY.
H.R. 824: Mr. VISCLOSKY.
H.R. 840; Mrs. CLAYTON.
H.J. Res. 5: Mr. ORTON.
H.J. Res. 38: Mr. MCCOLLUM.
H.J. Res. 66: Mr. INGLIS of South Carolina, Mr. COOLEY, Mr. CHRISTENSEN, Mr. TALENT, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 4: Mr. SAM JOHNSON, Mr. BARTLETT of Maryland, Mr. MOORHEAD, Mrs. MEYERS of Kansas, and Mr. HANCOCK.
H. Con. Res. 5: Mr. STEARNS and Mr. CALVERT.
H. Con. Res. 12: Mr. UNDERWOOD and Mr. SENSENBRENNER.
H. Con. Res. 23: Mr. SANDERS, Mr. DEUTSCH, Mr. DELLUMS, Ms. KAPTUR, Mr. MILLER of California, Mr. CLYBURN, Mr. BOUCHER, and Mr. GENE GREEN of Texas.
H. Res. 25: Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Ms. DUNN of Washington, Mrs. CUBIN, and Mr. PETERSON of Minnesota.
H. Res. 30: Mr. BOEHLERT, Mr. EMERSON, Mr. KLECZKA, Mrs. VUCANOVICH, Mr. GUTIERREZ, Mr. COBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONIOR, Mr. MINGE, Mr. CHAPMAN, Ms. ROYBAL-ALLARD, Mr. EHLERS, Ms. PELOSI, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. REED, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. SOLOMON, and Mr. HOEKSTRA.
H. Res. 57: Mr. CONDIT.
H. Res. 58: Mr. HAYWORTH and Mrs. MEYERS of Kansas.

PETITIONS, ETC.

Under clause 1 of rule XXII,

2. The SPEAKER presented a petition of the board of commissioners, Fulton County, GA, relative to unfunded Federal mandates; which was referred jointly, to the Committees on Government Reform and Oversight and Rules.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 667

OFFERED BY: MR. CARDIN

AMENDMENT NO. 6: Page 8, strike lines 7 through 11, and insert the following:
''(1) $990,300,000 for fiscal year 1996;
''(2) $1,322,800,000 for fiscal year 1997;
''(3) $2,519,800,000 for fiscal year 1998;
''(4) $2,652,800,000 for fiscal year 1999; and
''(5) $2,745,900,000 for fiscal year 2000.

H.R. 667

OFFERED BY: MR. RIGGS

AMENDMENT NO. 7: After subsection (b) of section 504, insert the following new subsection (and redesignate subsequent subsections accordingly):

''(c) AVAILABILITY OF FUNDS FOR JAIL CONSTRUCTION.—A State may use up to 15 percent of the funds provided under this title for jail construction, if the Attorney General determines that the State has enacted—

''(1) legislation that provides for pretrial release requirements at least as restrictive as those found in section 3142 of title 18, United States Code; or

''(2) legislation that requires an individual charged with an offense for which a sentence of more than one year may be imposed, or charged with an offense involving violence against another person, may not be released before trial without a financial guarantee to ensure appearance before trial.''.

H.R. 667

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 8: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

''(B) Enhancing security measures—

''(i) in and around schools; and

''(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

H.R. 667

OFFERED BY: MR. TORRICELLI

AMENDMENT NO. 9: On page 6, line 14, after ''General'' insert ''including a requirement that any funds used to carry out the programs under section 501(a) shall represent the best value for the government at the lowest possible cost and employ the best available technology.''

H.R. 668

OFFERED BY: MR. BURR

AMENDMENT NO. 1: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. MANDATORY DETENTION OF ALIEN AGGRAVATED FELONS PENDING DEPORTATION.

Section 242(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1252(A)(2)) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking ''(2)(A)'' and inserting ''(2)'', and

(B) in the second sentence—

(i) by striking ''but subject to subparagraph (B)'', and

(ii) by inserting before the period ''either before or after a determination of deportability until such alien is deported, unless the alien is finally determined to be not deportable''.

H.R. 668

OFFERED BY: MR. BURR

AMENDMENT NO. 2: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. DISCRETIONARY AUTHORITY TO DEPORT ALIENS BEFORE COMPLETION OF SENTENCE.

(a) IN GENERAL.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by adding at the end the following new subsection:

''(e) DISCRETIONARY AUTHORITY TO DEPORT CERTAIN CRIMINAL ALIENS BEFORE COMPLETION OF SENTENCE.—(1) In the case of an alien who has been determined to be deportable, except as provided in paragraph (2), the Attorney General may provide for the alien's deportation before the completion of the sentence, if the authority providing for the term of imprisonment is authorized to consent and consents to the alien's release for deportation before completion of the sentence.

''(2) The Attorney General shall not exercise authority under paragraph (1) unless the Attorney General determines that (A) the early release from imprisonment is in the public interest; and (B) the alien is not confined pursuant to a criminal offense of a State, a political subdivision of a State, or the Federal Government which consists of (i) murder or attempted murder, (ii) rape or sexual assault, (iii) espionage, (iv) terrorism, (v) pedophilia, (vi) assassination or attempted assassination of a public official, (vii) leading a drug trafficking ring, or (viii) alien smuggling.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 242(h) of such Act (8 U.S.C. 1252(h)) is amended by striking ''An alien'' and inserting ''Subject to section 242A(e), an alien''.

(2) Section 242A(d)(3)(A)(iii) of such Act (8 U.S.C. 1252a(d)(3)(A)(iii)) is amended by inserting '', subject to subsection (e),'' after ''become final and''.

H.R. 668

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 3: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

H.R. 668

OFFERED BY: MR. CUNNINGHAM

AMENDMENT NO. 4: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the ''Treaty'') to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

H.R. 668

OFFERED BY: MR. FOLEY

AMENDMENT NO. 5: At the end insert the following section (and conform the table of contents accordingly):

SECTION 14. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

''(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

''(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

''(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

''(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense, and (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

''(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).''.

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

''(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.''.

H.R. 668

OFFERED BY: MR. HORN

AMENDMENT NO. 6: At the end insert the following new section (and conform the table of contents accordingly):

SEC. 14. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

H.R. 668

OFFERED BY: MR. MORAN

AMENDMENT NO. 7: Page 14, after line 6, insert the following new section (and conform the table of contents accordingly):

SEC. 14. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

H.R. 668

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 8: Strike section 11 (and redesignate the subsequent sections and conform the table of contents accordingly).

H.R. 728

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 1: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

''(B) Enhancing security measures—

''(i) in and around schools; and

''(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.